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Prince Edward Island, Laws, statutes, etc.  
= May 4 Session laws

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THE  
ACTS  
OF THE  
GENERAL ASSEMBLY  
OF  
PRINCE EDWARD ISLAND.

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ANNO DECIMO SEXTO VICTORIÆ REGINÆ.

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CHARLOTTETOWN:

EDWARD WHELAN, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1853.

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Rec. March 2, 1907

# TITLES OF THE ACTS.

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## FIFTH SESSION

OF THE

## EIGHTEENTH GENERAL ASSEMBLY.

1853.

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ANNO DECIMO SEXTO

## VICTORIÆ REGINÆ.

1853.

At the General Assembly of Her Majesty's Island of *Prince Edward*, begun and holden at *Charlottetown*, the Fifth day of *March*, Anno Domini, 1850, in the Thirteenth Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, Queen, Defender of the Faith :

SIR ALEXANDER  
BANNERMAN,  
Knight, Lieut.  
Governor.

D. McDONALD,  
President of  
Council.

And from thence continued by several Prorogations, to the Tenth day of *February*, 1853, and in the Sixteenth Year of Her said Majesty's Reign ; being the Fifth Session of the Eighteenth General Assembly convened in the said Island.

ALEXANDER  
RAE, Speaker.

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### C A P . I .

An ACT to amend the Act relating to the recovery of Small Debts.

[April 16, 1853.]

WHEREAS by the thirteenth Section of the Act of the fifteenth year of the reign of Her present Majesty, Chapter eight, intituled *An Act relating to the Recovery of Small Debts*

15 V. c. 8, s. 13.

*and to repeal certain Acts therein mentioned, any Court constituted under the said Act is authorised, if it deem it proper, to defer the hearing of any cause for the better administration of Justice to such other day as may be appointed by the said Court; but it is deemed advisable to make it compulsory upon the said Courts so to do, if either party, Plaintiff or Defendant, shall apply therefor on the grounds and in manner hereinafter mentioned.*

Hearing of Suits to be deferred until the next sitting of Court, on application therefor by either party.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows: That if either party in a Suit pending in any such Court shall apply to the said Court to defer the same, on the grounds that he is not ready or prepared for trial, or requires further time therefor to procure the attendance of Witnesses, and shall support the same by affidavit of the truth thereof, and that such application is not made for the purpose of defeating the ends of justice, then it shall be the duty of such Court, and it is hereby required, thereupon to defer the hearing of the Suit until the next sitting of the Court for the trial of Suits of the same description: provided always that it shall not be compulsory upon such Court to make more than one postponement of the hearing of such Suit.

Privilege not to exempt persons from being proceeded against under 15 V. c. 8, except as herein set forth.

II. No privilege, or pretended privilege, shall be allowed to exempt any person whomsoever from being proceeded against by virtue of the said recited Act, for the recovery of any debt or demand due from him to any other person or persons, save and except privileges of Parliament, and Members of the Bar during the sitting of the Supreme Court.

## CAP. II.

An ACT to amend the Free Education Act, passed in the fifteenth year of the reign of Her Majesty Queen Victoria.

[April 16, 1853.]

15 V. c. 13.  
**W**HEREAS by the Act passed in the fifteenth year of the reign of Her Majesty Queen Victoria, intituled *An Act for the encouragement of Education, and to raise funds for that purpose, by imposing an additional Assessment on Land on this Island, and on Real Estate in Charlottetown and Common and Georgetown and Common*, it is amongst other things enacted, that from and after the time the said Act shall go into operation, and annually during its continuance, there shall be paid to the Treasurer of this Island, or his Collectors appointed as therein mentioned, upon and for all Lands, Tenements, Hereditaments and Real Estate in *Charlottetown and Charlottetown Common*, and in *Georgetown and Georgetown Common*, for every Twenty Shillings of the annual value thereof, the sum, rate or duty of Three-pence on the Pound, and so in proportion for any less sum than Twenty Shillings, the same to become due and be paid as in said Act specified and provided for; and by the Sixty-third section of the said Act, the Lieutenant Governor, by and with the advice of Her Majesty's Executive Council, is authorized to nominate and appoint five fit and proper persons, Householders resident in *Georgetown* or the Common thereof, to be Assessors therein of the fair annual value of the Premises in their respective Districts chargeable with the said rate or duty; but although by the original draft of the said Act of the

fifteenth Victoria, chapter thirteen, as the same passed and was agreed to by the Committee of the House of Assembly, provision was made for the appointment of Assessors for *Charlottetown* and the Common thereof, as well as for *Georgetown* and the Common thereof, yet by an omission made in engrossing the same before the third reading thereof in the House of Assembly, so much of said section sixty-three of the above Act, as authorized the appointment of such Assessors for *Charlottetown* and Common, was omitted, whereby doubts exist whether the said Rate or Duty imposed as aforesaid on Lands, Tenements, Hereditaments and Real Estate in *Charlottetown* and *Charlottetown* Common, can be recovered by course of Law, unless the said omission be explained and supplied: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:—

Assessors for  
Charlottetown  
and Common,  
when and by  
whom appointed.

I. That from and after the passing of this Act, or in case at the time of the passing of this Act the said Act of the fifteenth year of the reign of Her present Majesty Queen Victoria, chapter thirteen, shall not have gone into operation, then so soon as said Act shall go into operation, it shall be lawful for, and the duty of the Lieutenant Governor of this Island, by and with the advice and consent of Her Majesty's Executive Council, to nominate and appoint five fit and proper persons, Householders resident in *Charlottetown* or the Common thereof, to be Assessors therein, during the continuance of said Act, of the fair annual value of the Premises in their Districts chargeable with the rate or duty imposed by the sixty-first and sixty-second sections of the said recited Act; and it shall be lawful for the Lieutenant Governor in Council from time to time, in case of refusal to act, neglect, or any other cause, to

Assessors may  
be removed  
from Office, and

remove any person or persons so appointed Assessors, and to appoint another or others in his or their stead, and also if any vacancy or vacancies occur by death, removal, or resignation of any such Assessors, or otherwise, to nominate and appoint another such person or other such persons, as aforesaid, to fill up such vacancy or vacancies, all of whom shall be invested with the same powers, and shall be subject to the same rules, fines and regulations as if they had been appointed under the sixty-third section of the said recited Act, as well as the Assessors for *Georgetown* and the Common thereof.

others appointed in their stead.

Vacancies how filled up.

Powers of Assessors.

II. The said section sixty-three of the said Act of the the fifteenth year of the reign of Her Majesty Queen Victoria, Chapter thirteenth, and also all other parts of the said Act, shall be read and construed as if the necessary provisions as hereinbefore contained for the appointment of Assessors for *Charlottetown* and Common, as well as for *Georgetown* and Common, had been therein inserted, and all the provisions therein contained in relation to the assessing, levying, collecting and recovering such rate or duty imposed as aforesaid, on Lands, Tenements, Hereditaments and Real Estate, in *Charlottetown* and Common, shall remain in full force for the purposes of assessing, leying, collecting and recovering such rate or duty, and all and every the powers, authorities, rules, regulations, penalties, forfeitures, clauses, matters and things contained in said Act as aforesaid, shall severally and respectively be duly observed, practised, applied and put in execution in relation to the said rate or duty for assessing, collecting, recovering and levying the same; and all arrears thereof, and all penalties and forfeitures which shall or may be incurred under the said Act, in relation to the same, as fully and

How sec. 63, 15 V. c. 13, shall be construed.

effectually to all intents and purposes as if the same powers, authorities, rules, regulations, directions, penalties, forfeitures, clauses, matters and things, were particularly repeated and re-enacted in the body of this Act, with reference to the said rate or duty so imposed on Lands, Tenements, Hereditaments and Real Estate in *Charlottetown* and *Charlottetown Common*, and the Assessors thereof appointed hereunder, or as if no such omission as aforesaid had been made in the sixty-third Section of the said Act, and the said Assessors for *Charlottetown* and *Common* had been duly appointed thereunder.

Allowance to  
Assessors of  
*Charlottetown*  
and *Common*.

III. There shall be paid out of the Treasury of this Island to each of the persons who may be so appointed Assessors of *Charlottetown* and *Common* the sum of Four Pounds per annum each, instead of the sum of Forty Shillings allowed to be paid to them under the seventy-fifth Section of the said recited Act, of which this is an amendment; the same to be paid to such of the Assessors as shall well and faithfully discharge their duties, and make due return, as in the said recited Act mentioned, to the Treasurer of this Island, the first payment to become due and be made at the time and in manner as in the said seventy-fifth Section of the said recited Act mentioned.

When and in  
what manner  
first payment to  
Assessors shall  
be made.

Teachers en-  
gaged under 10  
V. c. 9, entitled  
to receive their  
Salaries up to  
the time when  
Act shall ex-  
pire.

IV. Any Teacher who, under the provisions of the Act of the tenth year of the Reign of Her present Majesty Queen Victoria, Chapter Nine, intituled *An Act for the Encouragement of Education*, may have entered into an agreement to teach in any District in this Island, the term whereof shall not have ended when said last mentioned Act shall expire, shall nevertheless be entitled to receive the proportion of his salary or allowance up to the time when

such Act shall expire, on his producing to the Secretary of the Board of Education, to be appointed under the said Act of the fifteenth year of the reign of Her present Majesty Queen Victoria, Chapter Thirteen, the necessary vouchers and documents heretofore in other cases of application for Teacher's Salary, under the said Act of the tenth year of the reign of Her Majesty Queen Victoria, Chapter Ninth, requisite to enable him to obtain his Salary, varied only in form and purport so as to meet the particular circumstances of the case; and the said Secretary, by and with the concurrence of one other Member of the said Board, shall certify the amount to which the said Teacher shall by law be entitled, according to the proportion or period of his service under the agreement which may have then elapsed; and on the production of such last mentioned Certificate the Teacher shall be entitled to receive from the Treasury of this Island the amount therein specified.

Vouchers, &c.  
to be produced

Duty of Secretary of Board  
of Education in  
such cases.

V. The words "by me," where they first occur in Schedule (E) to the said Act of the fifteenth year of the reign of Her present Majesty Queen Victoria, chapter thirteen, being at the commencement of the third line from the top of the body of the said Schedule in the copies of the said Act, as reprinted in the year One thousand eight hundred and fifty-two by Her Majesty's Printer, shall be omitted in the reading and meaning thereof, and in lieu of the said words there shall be inserted the words, "by the Lieutenant Governor in Council," and the said Schedule shall be read and construed as if the said words, "by the Lieutenant Governor and Council," were and always had been contained therein, in lieu of the said words "by me," and as if the said words "by me" were not and never had been inserted therein.

Words to be  
omitted in Schedule (E) to 15  
V. c. 13.

Words to be  
substituted in  
lieu thereof.



Mode of proceeding where Schools have been established within three miles of each other.

Disputes, how settled.

VI. If any School in a District established before the said recited Act of the fifteenth year of the reign of Her present Majesty Queen Victoria, chapter thirteen, shall go into operation, and claiming maintenance thereunder, shall be nearer to any other School established or to be established than three miles, and it shall appear to the Board of Education, either from paucity in the numbers of the Scholars attending the same or either of them, or other local circumstances, that both the said Schools should not receive such maintenance at the same time, or if a dispute shall arise between the Inhabitants of such Districts, as to which is entitled to maintenance or most entitled to receive the same, and an application shall be made in writing to the Board of Education, signed by at least five Inhabitants, Householders in such District, or either of them, to have the dispute decided and settled, then and in either of such cases it shall be lawful for the Board of Education, if it think the circumstances of the case require the same to be done, to nominate and appoint three persons, being Justices of the Peace or Commissioners for the recovery of Small Debts, resident near to, but not being parties resident or interested in either of the Districts, to examine into the particulars; and such Justices or Commissioners, after notice of their intention so to do shall have been duly posted for at least six days previous on each of the Schoolhouses, shall attend at such time and place in either of the said Districts as shall in such notice be specified, and shall personally then and there proceed to make enquiry in such manner and to such extent, as they or the majority of them shall deem requisite, and shall thereupon fix and determine which of the said Schools in the District in dispute is most entitled to maintenance; and if they think that

either of the Schoolhouses should be removed to any particular site, so as to form a new District entitled to maintenance, they shall fix upon the same and report such their opinion and determination, under their hands or the hands of the majority of them, to the Board of Education, whose decision thereon shall be conclusive; and the said Board shall be and they are hereby empowered to withhold or suspend the maintenance claimed by such Schools or either of them, and either entirely or until such time as the Schoolhouse shall have been removed in accordance with the opinion or recommendation contained in the Report of the Justices or Commissioners, or to make such other order therein as to the said Board shall seem meet, and such order and determination of the Board of Education shall be duly notified to the Inhabitants of the Districts in dispute.

School House may be removed to form a new School District.

Board of Education may suspend maintenance, in certain cases.

VII. Each Justice of the Peace, or Commissioner of Small Debts, who shall be nominated and appointed for the purpose or purposes in the last preceding clause mentioned, shall be entitled to receive from the Treasury of this Island the sum of Eight-pence per mile for each mile necessarily travelled by him to and throughout such School Districts, and also the sum of Five Shillings for the Report in writing, and for transmitting the same to the Board of Education, the same to be paid on producing a Voucher and Certificate therefor, signed by the Secretary and three members of the Board of Education.

Mileage to be allowed to Justices of the Peace, &c. for duties performed under preceding section of this Act.

VIII. It shall be lawful for the Board of Education, constituted and appointed under the said Act of the fifteenth year of the reign of Her present Majesty Queen Victoria, Chapter thirteen, to receive and take to themselves and

Board of Education may receive Deeds of Land, for School Houses, in trust for the Inhabitants, in certain cases.

their successors in office Deeds and Conveyances of the pieces of Land whereon the School Houses now or hereafter to be erected, and claiming maintenance under the said Act, shall be situate, (where the owners thereof shall not prefer conveying them to the Trustees of the District, or shall not otherwise secure them to the inhabitants of the District by conveyance), and to hold the same in trust for the inhabitants of the District wherein the same are situate for the purposes of Education, and of the said last mentioned Act.

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### C A P . I I I .

**An ACT to establish the Salaries payable to the Attorney General and Solicitor General, and Clerk of the Crown and Prothonotary of Prince Edward Island, for their Public Services.**

[April 16, 1853.]

**B**E it enacted by the Lieutenant Governor, Council and Assembly, as follows :

Allowance to Attorney and Advocate General, in lieu of all fees, payable by the Government to that Officer.

I. There shall be allowed and paid unto the present or any future Attorney General and Advocate General of this Island, as and for the Salary of that Office, the sum of Two hundred Pounds of lawful current money of this Island per annum, the same to be in lieu of all fees of office, charges, allowances and emoluments, paid or payable by the Government of this Island to the Attorney General and Advocate General, on account of Crown Prosecutions, or for opinions, or for putting Marginal Notes to the Statutes, or for any other miscellaneous services performed

by him for the Government in his official capacity,—the said Salary to be in addition to the annual Salary of One hundred and fifty Pounds payable to the Attorney General, under the provisions of the Act passed in the fourteenth year of the reign of Her present Majesty Queen Victoria, intituled *An Act to commute the Crown Revenues of Prince Edward Island, and to provide for the Civil List thereof, as well as for certain Compensations therein mentioned.*

II. There shall be allowed and paid unto the present or any future Solicitor General of this Island, as and for the Salary of that office, the sum of One hundred Pounds of lawful current money of this Island per annum,—the same to be in lieu of all fees of office, charges, allowances and emoluments, paid or payable by the Government of this Island, to the Solicitor General, on account of Crown Prosecutions, or for opinions, or for any other miscellaneous services performed by him for the Government in his official capacity.

Allowance to the Solicitor General, in lieu of all fees payable to that Officer by the Government of this Island.

III. There shall be allowed and paid unto the present or any future Clerk of the Crown and Prothonotary, as and for the Salary of that office, for public services to be performed, the sum of One hundred and sixty Pounds of lawful current money of this Island per annum,—the same to be in lieu of all fees of office, charges, allowances and emoluments, paid or payable to him or his Deputies by the Government of this Island, on account of Crown Prosecutions, or for disbursing the fees of Witnesses or Jurors, or for any other miscellaneous services usually performed by him for the Government of this Island, or for the doing of which he now can or hereafter, unless this Act had been passed, might make any charge against the Government, all

Allowance to the Clerk of the Crown and Prothonotary in lieu of all fees payable by the Government to that Officer or his Deputies.

which services he and his Deputies in King's and Prince Counties are hereafter as heretofore to do and perform,—the Salary hereby given to include the charges and fees payable by the Government on any account whatsoever, to the Deputy Prothonotaries or Clerks of the Crown, whose Salaries or allowances are hereafter to be discharged by the Clerk of the Crown or Prothonotary, out of the amount hereby granted, and are to be fixed and regulated by him.

When Salaries shall commence and become payable.

IV. The said Salaries to be paid to the various Officers aforesaid respectively, shall commence and be computed from the first day of April, *Anno Domini*, One thousand eight hundred and fifty-three, and shall be payable from time to time by quarterly portions or instalments thereof, respectively, which shall be due on the last day of *March, June, September* and *December* quarters in every year.

Warrants to be drawn on the Treasurer of this Island, quarterly, for payment of said Allowances or Salaries.

V. It shall be lawful for the Lieutenant Governor, at or immediately after any of the said quarterly payments of the yearly salaries and allowances by this Act granted and allowed, shall become due as aforesaid, by and with the advice of Her Majesty's Council, to draw Warrants on the Treasurer of this Island in the usual form, for or in respect of the respective officers aforesaid, for payment of the same.

Repeals a certain portion of the Act, 14 V. c. 3.

VI. So much of the first section of the said recited Act passed in the fourteenth year of the reign of Her present Majesty, intituled *An Act to Commute the Crown Revenues of Prince Edward Island, and to provide for the Civil List thereof, as well as for certain Compensations therein mentioned*, as relates to the fees and allowances at the time of the passing thereof, allowed by Law to the Attorney General of this,

Island, saving and excepting the said Salary of One hundred and fifty Pounds per annum, payable to him by virtue of the said recited Act shall be and the same is hereby repealed.

VII. This Act shall go into operation immediately after the signification of Her Majesty's assent thereto, but not before.

*Suspending  
Clause.*

## CAP. IV.

An ACT relating to certain Lease and Monetary Obligations entered into before the passing of the Currency Act.

[April 16, 1853.]

**W**HEREAS an Act was passed in the twelfth year of the reign of Her present Majesty, intituled *An Act to regulate the Specie Currency of Prince Edward Island*, by which it was amongst other things enacted, that "One pound sterling is hereafter to be represented by One pound and ten shillings" Currency, and "the British silver shilling at and after the rate of eighteen-pence, or one shilling and six-pence," currency. And whereas, although by the seventh section of the said recited Act it is "enacted and declared, that nothing in the said Act contained shall extend, or be construed to extend, to affect any Lease, Bond or other Monetary Obligation made and entered into before the passing of the said Act, wherein the Rent reserved or money payable thereunder, is expressed to be payable in Sterling money of Great Britain, or in other words which by Law bear the construction that such payment was intended by the parties to be made in Sterling money of Great Britain, but the same shall be,

12 Vic. c. 24.

12 V. c. 24, s. 7.

12V. c. 24, s. 9.

12 Vis. c. 10.

and remain subject to the same legal interpretation and construction, in every respect, as the same would by Law have been subject to, provided the said Act had never been made, anything therein contained to the contrary notwithstanding." Yet the ninth section of the said recited Act specially enacts, "that as in certain cases the fees in Public Offices have been defined by Statute to be payable in Sterling money, and as it has been customary heretofore, in the payment of the said fees, to convert the Sterling into Currency by the addition of one-ninth part, such fees shall continue to be paid and received at the same rates, any thing in the said Act to the contrary notwithstanding." And the first section of the Act, made and passed in the said twelfth year of the reign of Her present Majesty, intituled *An Act for raising a Revenue*, enacts that when Goods shall be charged in the Invoice in British Sterling, "the duties shall be calculated on the amount of such Sterling, when reduced into the Currency of this Island, by adding to the said amount of Sterling one-ninth part thereof." And whereas no Law ever did exist in this Island defining the relative value of British Sterling, (any other Sterling being unknown), prior to the passing of the said recited Act, and the Courts of Justice therefore had no Law, and could have no other rule to guide them but the established usage of this Island, namely, a par of exchange, which had existed for upwards of half a century in monetary transactions, unless otherwise expressed and agreed to, and the rate of which in proportion to Sterling was defined, and confirmed by the said two recited Acts, relative to the payment of fees and duties. And whereas it is highly inexpedient that Courts of Law should assume legislative functions, which can have no effect until sanctioned by the Sovereign, as on

the other hand it would be equally inexpedient for the Legislature to assume judicial functions, yet by the interpretation put upon a Lease by the late Chief Justice *Jarvis*, a tenant who had, according to custom and usage, paid, and his Landlord had received, one shilling and one penny and a fraction, Currency, would now be bound to pay one shilling and sixpence, Currency, thereby adding one-half in place of one-ninth to his Rent; and yet it appears that on the twelfth day of *October*, in the year of our Lord One thousand seven hundred and ninety nine (1799), certain parties did enter into an Agreement and Lease, a certified Copy whereof is hereunto annexed, and marked Schedule (A), by which Sterling money is reserved as Rent, and by the certificate of the Treasurer of this Island, also hereunto annexed and marked Schedule (B), it appears that the said Rent hath been, and now is received at the Treasury of this Island by adding one-ninth thereto. And whereas many similar Leases and Agreements exist in this Colony, and much inconvenience may arise, and cases of hardship and injustice to individuals occur from the imperfect state in which the Law has been left in regard to such Leases. And whereas it appears that three successive Sovereigns, with Her present most gracious Majesty, have been paid Sterling Crown Rents, in accordance with the custom and usage of this Colony, and which said custom and usage still prevails, and many Proprietors also of Lands in this Island have never departed, and perhaps do not intend to depart from the same usage. But whereas landed property frequently changes hands, and other Proprietors may adopt a different course, and it is of much importance that the question should be finally set at rest, and that no defect or uncertainty in the Law should give rise to misunderstanding be-

Schedule (A).

Schedule (B).



12 Vic. c. 24.

tween Landlord and Tenant. And whereas no provision was made in the said first hereinbefore recited Act, on the basis of making Rents payable for the future in the Currency of this Island, at the rate at which it has heretofore been practically paid.

Provisions of the 9th section of 12th Vic. c. 24, with regard to mode of converting sterling money into currency,

extended to Leases, &c. made before the passing thereof;

Except where a contrary course may have been mutually recognised by the parties to the Contract.

Suspending Clause.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the enactments contained in the said ninth section of the said recited Act, made and passed in the twelfth year of the reign of Her present Majesty, intituled *An Act to regulate the Specie Currency of Prince Edward Island*, shall extend, and be construed to extend and apply, with regard to the mode of converting Sterling money into Currency, that is to say, by adding one-ninth part to such Sterling money, in order to bring it into Currency, to any Lease, Bond or other Monetary Obligation, made and entered into before the passing of the said last recited Act, unless in cases, or in any case where a contrary course may have been mutually recognized and acted upon by the party or parties to any such Bond, Lease or Obligation, either before or since the passing of the said last recited Act, anything therein or in this Act, to the contrary notwithstanding.

II. This Act shall not have any force or effect until Her Majesty's pleasure therein shall be known, and notification thereof shall have been published in the *Royal Gazette* Newspaper of this Island.

## Schedules to which this Act refers.

## SCHEDULE (A).

## Schedule (A).

Prince Edward Island, }  
EDMUND FANNING. }

To all to whom these Presents shall come, Greeting: Know ye that I, *Edmund Fanning*, L. L. D., Major General in the Army, Lieutenant Governor and Commander in chief in and over His Majesty's Island *Prince Edward*, and the Territories thereunto adjacent, Chancellor and Vice Admiral of the same, &c. &c. &c.

Lease of 525  
acres of Land  
on Township  
Number 65, in  
which the Rent  
is reserved in  
Sterling.

By virtue of the power and authority to me given by His Majesty King *George the Third*, under the Great Seal of *Great Britain*, have demised, granted, and to farm letten, and do by these presents, (pursuant to His Majesty's commands and directions signified unto me, in and by a public Despatch from His Grace the Duke of *Portland*, one of His Majesty's principal Secretaries of State, dated at *Whitehall*, the Eleventh day of *February* now last past,) demise, lease, and to farm let unto *Charles Alexander De Calonne*, late Minister of State in the Kingdom of *France*, but now resident in *Great Britain*, his Executors, Administrators and Assigns, all that piece or parcel of Ground, situate, lying and being in *Queen's County* in *Prince Edward Island*, aforesaid, which said piece or parcel of Ground is bounded as follows, that is to say: On the East by *Port Joy*, on the West, on the North and on the South by three several division lines of Lot or Township Number Sixty-five, and contains by estimation Five hundred and twenty acres, be the same more or less, and which said piece or parcel of Ground hereby leased is more particularly delineated and described in and by a Plan of Survey of the said Island, now kept at the Plantation Office, *Whitehall*, in the Kingdom of *Great Britain* aforesaid, and is laid down and distinguished in the said Maps of Survey by the name or description of the Fort Lot, and is further delineated and described in and by a plan or Map thereof thereto annexed, together with all manner of Mines unopened (excepting mines of gold, silver, and coals), to have and to hold the said Lot or Tract of Land hereby leased, together with all Houses, Outhouses, privileges, profits, commodities and appurtenances thereunto belonging, unto the said *Charles Alexander De Calonne*, his Executors, Administrators and Assigns, for and during the royal will and pleasure of His Majesty, his Heirs and Successors, saving and reserving to His Majesty, his Heirs and Successors, all such part or parts of the said Lot or Tract of Land as hath or have been already set apart, or that shall or may hereafter be set apart, for building wharfs, erecting fortifications, enclosing naval yards, or laying out highways, for the communication between one

Reservation of  
Rent in Ster-  
ling.

part of the said Island and another, yielding and paying therefor by the said *Charles Alexander De Calonne*, his Executors, Administrators and Assigns, which by the acceptance hereof he binds and obliges himself, his Executors, Administrators, and Assigns, to pay to His Majesty, his Heirs and Successors, or to any person lawfully authorised to receive the same for His Majesty's use, the yearly Rent or sum following, that is to say, Threepence Sterling for each and every acre of Land hereby leased, to commence and become payable from the Feast of Saint *Michael*, which shall happen after the expiration of three years from the date hereof; the further sum of Threepence Sterling for each and every acre aforesaid, to commence and become payable from the Feast of Saint *Michael*, which shall first happen after the expiration of six years from the date hereof; the further sum of Threepence Sterling for each and every acre aforesaid, to commence and become payable from the Feast of Saint *Michael*, which shall first happen after the expiration of nine years from the date hereof; and the further sum of Threepence, making in the whole One Shilling Sterling for each and every acre aforesaid, to commence and become payable from the Feast of Saint *Michael*, which shall first happen after the expiration of twelve years from the date hereof, and so to remain payable on the said Feast of Saint *Michael* in each and every year, or within fourteen days after, during the continuance of the said Lease. And the said *Charles Alexander De Calonne* doth hereby oblige himself, his Executors, Administrators and Assigns, to keep in repair the Houses and Buildings on the Premises hereby leased, reasonable use and wear thereof only excepted; and doth further oblige himself, his Executors, Administrators and Assigns to erect and build, or cause to be erected and built, at such convenient place as shall be required of him or them, upon the said premises, a sufficient Barrack for the use of His Majesty's Troops, stationed to guard the Battery erected and built upon or near the said Lot or Tract of Land hereby leased: Provided always, that His Majesty, his Heirs or Successors, or any person lawfully authorised thereto, shall be entitled and have free liberty with or without previous notice to the said *Charles Alexander De Calonne*, his Executors, Administrators, or Assigns, to resume possession of any part or parts of the said Tract of Land hereby leased, which shall be judged to be necessary and expedient for works of defence or for any other public purposes, he the said *Charles Alexander De Calonne*, his Executors, Administrators and Assigns being allowed a proportionate deduction from the Rent hereby reserved for so many acres thereof as shall or may be reserved for the purposes aforesaid. In witness whereof I have signed these Presents, and caused the Seal of the Island to be thereunto affixed at *Charlottetown*, in the said Island, this twelfth day of *October*, in the

thirty-ninth year of the reign of our Sovereign Lord *George* the Third, by the Grace of God of *Great Britain, France, and Ireland*, King, Defender of the Faith, and so forth, and in the year of our Lord One thousand seven hundred and ninety nine.

By His Excellency's command.

(Signed) PETER MACGOWAN, *Dep. Sec'y.*

Registered 12th October, 1799.

#### SCHEDULE (B).

Schedule (B)

PRINCE EDWARD ISLAND,

Treasurer's Office, 22nd February, 1853.

After a careful examination of the Books of this Office, I hereby certify that the Warren Farm held on Lease from the Crown, and now possessed by Captain *Bentinck Cumberland*, the rent whereof is payable by the Lease at so much Sterling, per acre, has been invariably paid according to the established usage of the Colony, and credited in the Colonial books, in the Current Money of this Island, with the addition of one-ninth, thus, £25 0s. 0d. Sterling, the rent of the Farm, is represented by the payment of £27 15s. 6d. Currency, equivalent to Eighteen and a half Sovereigns and four-pence, or Three hundred and Seventy British Shillings and four-pence; the last payment was made in my Office on the Twenty-ninth day of *January*, One thousand eight hundred and fifty three.

Certificate of Treasurer that the Rent of Warren Farm has invariably been paid in Currency, ascertained according to established usage of the Colony, by adding one-ninth to the Rent reserved in Sterling.

(Signed) JOSEPH POPE, *Treasurer.*

### C A P . V .

#### An ACT for raising a Revenue.

[April 16, 1853.]

**W**HEREAS it is deemed expedient further to continue and amend the hereinafter recited Act: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:—

I. The Act made and passed in the twelfth year of the reign of Her present Majesty, *Queen Victoria*, intituled *An Act for raising a Revenue*, save and except such clauses and parts thereof as are repealed by subsequent Acts of the General Assembly of this Island,

Continues for one year certain parts of the Act 12 V. c. 10.

shall be, and the same is hereby continued, with certain amendments hereinafter mentioned, for the space of one year from and after the first day of *May*, One thousand eight hundred and fifty-three, and until the second day of *May*, which will be in the year of our Lord One thousand eight hundred and fifty-four.

Imposes certain Rates and Duties.

Duties how calculated.

Present Duties to be in lieu of all Duties imposed under 12 V. c. 10, 13 V. c. 1 (2d Sess.) or 14 V. c. 14.

II. From and after the commencement of this Act, and until the said second day of *May*, One thousand eight hundred and fifty-four, there shall be raised, levied and paid on the several articles hereinafter mentioned, which shall be brought or imported into this Island from any place or country whatsoever, the several Impost duties, rates and impositions, inserted, described and set forth in figures in the Table of Duties hereinafter contained, denominated "Table of Impost Duties," opposite to and against the said respective articles as therein mentioned, described and enumerated, and according to the value, number and quantity thereof, as therein specified—the first column of duties in the said Table denoting the *ad-valorem* duty or amount payable on every one hundred pounds worth of the articles imported, which shall be in like proportion for any less amount than one hundred pounds worth; and the second column denoting the specific duty upon each article; and the said duties shall be calculated on the actual value or amount of the Invoice, when reduced into lawful current money of this Island—which said several duties, rates and impositions shall be in lieu of all duties, rates and impositions imposed by the herein before recited Act, or by an Act passed in the thirteenth year of the reign of Her present Majesty, second Session, chapter one, or by the Act of the fourteenth *Victoria*, chapter nine, or by the Act of the fifteenth *Victoria*, chapter twenty-six.

**Table of Impost Duties referred to in the  
preceding clause of this Act.**

ARTICLES.	1st column.	2d column.			Table of Duties.
	Per Cent- age <i>ad valo- rem</i> Duty on every £100 Currency value, per Invoice.	Other Duties.			
	£ s. d.	£	s.	d.	
Blocks and Deadeyes,	5 0 0				
Butter, the Cwt.,		0	9	0	
Boots and Shoes,	10 0 0				
Boards, per Thousand Feet,		0	2	6	
Buffalo Robes,	10 0 0				
Books, being the Reprints of British Authors, under the Imperial Act of the 11th <i>Victoria</i> , cap. 28,	20 0 0				
Canvass Sail Cloth,	2 0 0				
Clothes, ready made, namely, Coats, Vests, Jackets and Trousers,	10 0 0				
Crackers, the cwt.,		0	6	6	
Cordage,	2 0 0				
Cheese, the cwt.,		0	8	0	
Coffee, the lb.,		0	0	1½	
Chocolate or Cocoa Paste,		0	0	1	
Cigars,	30 0 0				
Cider, per gallon,		0	0	6	
Clocks—on all Clocks costing under 20s. each,		0	5	0	
All other descriptions of Clocks,		0	10	0	
All Wheel Machinery and Materials for manufacturing Clocks and Watches,	20 0 0				
Carriages,	10 0 0				
Cattle (neat), except Cows and Calves,		1	0	0	
Dye Wood and Dye Stuffs of all kinds,	5 0 0				
Fish, per barrel,		0	2	0	
Fish (dried), per quintal		0	1	6	
Flour (Wheaten), for every 196 lbs.,		0	5	0	
Horses, Mares and Geldings, each,		2	0	0	
Jewellery,	10 0 0				
Leather (Sole), per lb.,		0	0	1	
— (Upper and Trimming) per lb.,		0	0	3	
— (Harness) per lb.,		0	0	1	
Lard, the cwt.,		0	8	0	
Meat (salted or cured), the cwt.,		0	6	0	

ARTICLES.	1st column.	2d column.
	Per cent- age <i>ad valo- rem</i> Duty on every £100 Currency value, per Invoice.	Other Duties.
	£ s. d.	£ s. d.
Molasses per gallon,		0 0 2
Porter, Ale and Beer (including the duty imposed by the Act 35th Geo. 3, cap. 10), per gallon,		0 0 3
Pitch,	2 0 0	
Rigging,	2 0 0	
Rum or other Distilled Spirituous Liquors imported into this Island, (including the sum of Ten Pence per gallon, as imposed by the Act of the 25th Geo. 3, cap. 4, and by 35th Geo. 3, Cap. 10), per gallon,		0 3 0
Sails,	2 0 0	
Spirituous Liquors, on all manufac- tured or distilled in this Island, except from Molasses, per gallon,		0 0 6
— on all manufactured from Molasses,		0 1 0
Sugar (refined), per lb.,		0 0 2
— (Brown or Muscovado), per cwt.,		0 6 0
Tar,	2 0 0	
Tea, per lb.,		0 0 3
Tobacco (manufactured), per lb.,		0 0 4
Tobacco (unmanufactured), per lb.,		0 0 2
Watches,	10 0 0	
Sails, Rigging and Ship Materials saved from Vessels wrecked on the Coasts of this Island—duty pay- able on amount of Sales not be- longing to the Island,	5 0 0	
Ships, Stores and Cargo saved from Wrecks, or sold in a Vessel strand- ed to pay same duty as in cases of Importation.		
Where a Vessel is stranded and con- demned, or sold whilst stranded, a duty shall be paid on the amount of Sales of her Hull, Rig- ging and Materials, whether she be again got off or be there broken up, of	5 0 0	

ARTICLES.	1st column.	2d column.
	Per cent- age <i>ad valo- rem</i> Duty on every £100 Currency value, per Invoice.	Other Duties.
	£ s. d.	£ s. d.
Wine, imported into this Island; (in- cluding the sum of Ten Pence per gallon, as imposed by the Act of the 25th <i>Geo.</i> 3, cap. 4, and the Act of the 35th <i>Geo.</i> 3, cap. 10), per gallon,		0 3 6
Spirits, namely, Brandy, Gin and Cordials imported into this Island, (including the sum of Ten Pence per gallon, imposed by the Act of the 25th <i>Geo.</i> 3, cap. 4, and the Act of the 35th <i>Geo.</i> 3, cap. 10) per gallon,		0 3 6
Articles, manufactured of Wood, (ex- cept Brushes, Planes, Figure Heads and Musical Instruments,) and such Articles as Wood forms the principal part of, not herein before mentioned,	10 0 0	
On all kinds of Goods, Wares and Merchandize whatsoever, not above enumerated, except as hereinafter mentioned and excepted,	5 0 0	
On all Juniper Knees exported after this Act goes into operation, each,		0 1 0

III. All articles in the following Table shall  
be exempted from any Duty:—

#### TABLE OF EXEMPTIONS.

Table of Ex-  
emptions.

Anchors,  
Baggage of Emigrants,  
Barley,  
Books (Printed) of all kinds, not prohibited to be imported  
into the United Kingdom,  
Barrels made of Hardwood,  
Blocks, Rigging and Sails, which may have been used to take  
any new Vessel from this Island to a Market for sale, if  
such Blocks, Rigging and Sails shall be returned forthwith,



after the sale of the Vessel, direct to this Island by the exporter thereof, and shall have previously paid or been charged with the duty imposed thereon by this or any former Act, on the first importation thereof into this Island,

Chain Cables,  
Copper Sheathing, Rods, Bolts and Nails,  
Engines (Fire),  
Flax,  
Fish (the produce of the Fisheries of this Island),  
Gypsum,  
Hemp,  
Implements of Husbandry imported by any Agricultural Society, to be sold or used by such Society,  
Iron (unwrought or pig Iron),  
Lime,  
Lumber (except Boards),  
Manures,  
Oats,  
Oakum,  
Oil (Fish), except Seal Oil,  
Organs, imported expressly for any Church, Chapel or sacred Edifice in this Island, and placed therein,  
Salt,  
Seeds of all kinds, imported by any Agricultural Society, to be sold or used by the Society,  
Articles imported by the Lieutenant Governor for his own private use,  
Staves,  
Stone (Lime),  
Stone for building, or any public purpose,  
Stone (Burr),  
Tallow,  
Teasels,  
Trees (Fruit), Plants and Shrubs.

Duty on Spirits  
manufactured  
in this Island.

IV. After the passing of this Act, the duty to be levied and paid on Spirituous Liquors manufactured, extracted or distilled in this Island, by virtue of the provisions of the said Act of the twelfth *Victoria*, chapter the tenth, hereby continued, shall be as follows, that is to say, on Spirituous Liquors manufactured, extracted or distilled from Barley or any other grain in this Island, the sum of Six-pence per gallon, and on Spirituous Liquors manufactured, extracted or distilled from Molasses, the sum of

One Shilling per gallon—the aforesaid amounts to be in each case paid instead of the duty of Eight-pence imposed by the forty-second section of the said recited Act; and the owner or owners of any Distillery or Distilleries, or any other person or servant, who, under the forty-third section of the same Act, shall be required to render a just and true account, in writing, to the nearest Collector of Impost, of the quantity of all distilled Spirituous Liquors manufactured, extracted or distilled by him or them during any quarter last past, shall also in such account state whether the Spirituous Liquors therein referred to have been distilled from Molasses or from Barley or grain, and how much from each respectively, to be verified on oath in manner and form as in the same section set forth; and any person wilfully and fraudulently making a false return of the materials from which he has distilled, extracted or manufactured the Spirituous Liquors mentioned in the return, shall be punishable, on conviction, in like manner as a person making a return short of the quantity made by him, or those employed by him, is punishable, and shall be subject to a like penalty.

Owners of distilleries to state on Oath, whether Spirituous Liquors manufactured by them have been distilled from Molasses or Grain, and how much for each respectively.

Persons making false Returns, how punished.

V. On all Juniper Knees to be exported from this Island, there shall, after this Act goes into operation, and during the continuance thereof, be paid a Duty of One Shilling for each Knee—the same to be paid before shipment, and a Permit for that purpose obtained from the Collector of Impost or other Officer of the Customs or Excise, to whom the duty is paid.

Imposes a Duty of 1s. each on all Juniper Knees exported from this Island.

VI. If any person or persons shall export, load or put on board any ship, vessel or boat any Juniper Knees with intent to export the same out of this Island, without first paying or securing by Bond the export duty thereon, and

Penalty on persons violating the provisions of the preceding Section of this Act.

Mode of recovery and disposition thereof.

Persons empowered to make seizures, &c.

obtaining a Permit to export the same, as in this Act mentioned, then each and every of them shall, besides the forfeiture of the Knees, forfeit and pay a sum not exceeding Fifty Pounds to Her Majesty, to be recovered by bill, plaint or information in Her Majesty's Supreme Court of Judicature, and, when recovered, to be paid into the Treasury of this Island, for the use of Her Majesty's Government thereof; and any of Her Majesty's Collectors of Impost or Controllers of the Navigation Laws, or other Officer appointed to protect the Revenue, shall have power, and they are hereby authorized to seize any such Juniper Knees, so put on board any ship, vessel or boat for exportation, contrary to the provisions of this Act, and also the ship, vessel or boat in which the same are laden, and to sell the same and pay the balance of the amount realized into the Treasury, deducting and retaining thereout, as a remuneration to himself, one-third thereof.

Continues in full force certain former Acts, for the purpose of securing the Duties imposed by this Act.

VII. The said recited Acts and all and every Act and Acts of the General Assembly of this Island now in force, in relation to the securing, levying, collecting and recovering the duties granted by the said recited Acts, shall severally be and remain in full force and effect, for the purpose of securing, levying, collecting and recovering the duties hereby granted and imposed; and all and every the powers and authorities, rules, regulations, directions, penalties, forfeitures, clauses, matters and things contained in the said Acts, or any of them, and in force as aforesaid, shall severally and respectively be duly observed, practised, applied and put in execution in relation to the said duties thereby and hereby granted and imposed, as well during the term hereby limited, as after the expiration thereof, for securing, levying, collecting and

recovering the said duties, and all arrears thereof, and all penalties and forfeitures that may have heretofore been incurred under and by virtue of any of the herein before recited Acts, and for suing for and recovering all such penalties which shall have been or may be incurred in relation to the said duties, as fully and effectually, to all intents and purposes, as if the same powers, authorities, rules, regulations, directions, penalties, forfeitures, clauses, matters and things were particularly repeated and re-enacted in the body of this Act, with reference to the said duties hereby or thereby granted and imposed.

VIII. When and so soon as the Lieutenant Governor or other Administrator of the Government, for the time being, shall issue his Proclamation, declaring that the articles hereinafter enumerated, being the growth or production of this Island, are admitted into the British North American Provinces of *Canada*, *Nova Scotia*, *New Brunswick* and *Newfoundland*, or either of them, free of duty, on and after the day when such Proclamation shall be published, and during the continuance of this Act, the like articles, being the growth or production of *Canada*, *Nova Scotia*, *New Brunswick* or *Newfoundland*, or of either of them, shall be exempted from the Duties hereby imposed upon them, and shall be admitted into this Island free of duty, (any thing in this Act contained to the contrary notwithstanding,) when imported direct from the said Provinces, or either of them, provided the same shall not pass through, or be imported from any country not reciprocating with this Island, as long as the said articles are admitted into *Canada*, *Nova Scotia*, *New Brunswick* and *Newfoundland*, or either of them, free of duty, *videlicet*:—Grain and Bread-stuffs of all kinds

Articles, the growth or production of *Canada*, &c., may be admitted into this Island, free of Duty, on certain conditions.

Articles enumerated.

and descriptions, Vegetables, Fruits, Seeds, Hay and Straw, Animals, salted and fresh Meats, Butter, Cheese, Lard, Tallow, Hides, Horns, Wool, Fish, undressed Skins and Furs of all kinds, Ores of all kinds, Iron in pigs and blooms, Copper, Lead in pigs, Grindstones and stones of all kinds, Earth, Coal, Lime, Ochres, Gypsum (ground and unground), Rock Salt, Wood, Timber and Lumber of all kinds, Firewood, Ashes; Fish, Fish Oil, *videlicet*: Train Oil, Spermaceti Oil, Head Matter and Blubber, Fins and Skins the produce of Fish or creatures living in the sea.

Requires certain parties to make the Importer's Affidavit before a Justice of the Peace.

IX. If the Importer of any dutiable article, at any port or place in this Island, shall be the Collector of Excise or Controller of the Navigation Laws at such port or place, then he shall take the affidavit required to be taken by an Importer making an entry, as set forth in the nineteenth section of the Act of the twelfth *Victoria*, chapter the tenth, hereby continued, before the Justice of the Peace resident nearest to his office or place of business, before landing the same, and the said Justice is hereby empowered and required to administer the same.

Entries at the Port of Charlottetown to be made as required by the Act 12 V. c. 10, &c.

X. Where any goods or articles shall be imported into the port of *Charlottetown* in this Island, the person or persons importing the same shall make an entry thereof, as required by the said recited Act of the twelfth year of the reign of Her present Majesty Queen *Victoria*, chapter the tenth, and shall at the same time make and subscribe to a certified account or general summary of such entry, containing in words at length the name of the person importing or making the entry, the name of the ship or vessel to which the entry relates, and of the master thereof, and of the place or country

from which she comes, the total amount of duty paid, and the date of the entry, in the following form, or to the purport and effect, varied to meet the circumstances of the case, (that is to say)—

EXCISE OFFICE, CHARLOTTETOWN.

Entry made this      day of      A. D. 18<sup>th</sup>  
by A. B. [*name of Importer, &c.*] from on board      Form of Entry.  
the [*name of vessel*] whereof C. D. is master,  
arrived from [*name of port from whence vessel*  
*comes*]. Amount of duty paid, [*Here set out*  
*amount paid for duties*].

A. B., Importer, &c.

I certify that the above is a cor-  
rect account or summary of an  
entry made in my office this  
day of      A. D., 18  
E. F.,  
Collector of Excise.

And after a Permit to land the goods or articles comprised in the Entry, shall have been made out, and granted to the person importing or making the Entry by the Collector of Impost for the Port of *Charlottetown*, in the manner and subject to the regulations and restrictions contained in any of the Acts of the Legislature of this Island, now or hereafter to be in force relating thereto, the person or persons making the Entry shall take the said certified account or summary thereof, together with the Permit to the office of the Treasurer of this Island, and there file the said certified account or Summary; and the Treasurer shall thereupon sign his name on the back of the Permit; and it shall not be lawful for any person or persons to land any goods or articles in the Port of *Char-*

Further Duties  
of Importer.

Duty of Treas-  
urer.

Returns of Spirits distilled in this Island, to be made with Collector of Impost in Duplicate, and Duplicate Copies filed with Treasurer.

*lottetown*, until the said Permit therefor shall first have been countersigned by the Treasurer as aforesaid ; and the returns and accounts of Spirits distilled, extracted, and manufactured in this Island, or any other dutiable article, and of the duties to be paid thereon, shall be made with the said Collector of Impost, (where by Law they are required to be made with him), in duplicate ; and the duplicate copies of such returns and accounts signed by the said Collector, shall immediately after the same has been made, be filed with the Treasurer by the person or persons making or returning the same.

Treasurer to enter a particular account of such Duplicate Entries or Returns in a Book, to be kept by him for that purpose, &c.

XI. The Treasurer shall, after each certified account or summary of any Entry, or duplicate return or account shall have been filed with him as aforesaid, enter a particular account thereof, in a book to be by him kept for that purpose, and shall, on every occasion, when the said Collector of Impost for *Charlottetown* accounts with him, as by Law directed, produce the said certified accounts or summaries of Entries, and duplicate returns and accounts, and check and compare the same with the account rendered by the said Collector, and the moneys and securities paid over by him.

Goods may be entered and Duties paid or secured thereon at the first Port of Entry in this Island.

XII. Where any ship or vessel, having on board any goods liable to duty in this Colony, shall arrive at any port or place therein, although the master, owner or importer shall not wish to land the same, or only a portion thereof, in such port or place, but to carry the whole of the same or the remaining part thereof to some other port or place in this Island, yet it shall in such case be lawful for the master, owner or importer to enter the whole of the goods and articles, if he thinks proper, and in such the first port of entry or report to pay or secure the whole of the

duties due on the goods and articles entered ; and the Collector of Impost for such port or harbour is hereby authorised to grant a Permit to land such goods and articles in any other port or harbour in this Island, to be named therein, and shall certify on the back thereof that the duty on the goods and articles named therein has been paid or secured—which Permit shall, in the usual manner, be countersigned by the Treasurer, and shall entitle the person to whom the same may be granted to continue on board of the ship or vessel, and to carry away therein such goods and articles, and hereafter to land the same at the port or harbour named in the Permit, on producing and giving up the same to the Collector of Impost or other Officer there having authority to receive, collect or protect the Revenue, at the port or harbour specified in the Permit.

Collector of Impost to grant Permit to land such Goods in any other Port in this Island named therein.

Permit to be countersigned by Treasurer.

XIII. When any dutiable articles are intended to be transmitted or shipped from one port or place in this Island to another, it shall be the duty of the Collector of Impost or his Deputy, or the Controller of the Navigation Laws, or other person appointed to collect the Revenue at the Port of Shipment, upon application being made by the owner or shipper for such purpose, and he is hereby authorised, if he is satisfied that the duty on said goods and articles has been paid or secured, to grant a certificate thereof and a Permit to land the same—which shall entitle the owner or shipper to transmit and land the said goods and articles in the port or harbour specified in the Permit, on producing and giving up the Permit and Certificate to the Collector of Impost or other Officer authorised to collect or protect the Revenue at the said last mentioned port or harbour.

Mode of procedure when dutiable articles are intended to be transmitted or shipped from one Port to another in this Island.



Mode of procedure, when Duties shall not be paid or secured within a reasonable time after the arrival.

Duties not being paid within three months, from the time of landing Goods, a portion thereof may be sold to pay the same, &c.

Goods intended for re-shipment and not for home consumption, may, on affidavit thereof, be landed, and placed in custody of Collector of Excise.

Importer's Oath.

XIV. It shall and may be lawful for the master of any ship or vessel, arriving in any port or place in this Island, having on board any goods, wares, or merchandise, and where the Owner or Consignee does not pay or secure the duties upon such goods within a reasonable time after his arrival in the said port or place, or when such Importer or Consignee is absent from such place, to deliver over such goods to the Collector of Impost for the security of such duties—which Collector is hereby empowered and directed to receive and keep the same at the Owner's or Consignee's risk, until the duties due thereon, together with the expenses, and just and reasonable charges for storage and custody, have been paid; and if the duties due and payable on such goods and other amounts and charges aforesaid shall not be paid or secured by the Owner or Consignee thereof, within three months from the time of landing such goods, then and in such case the said Collector is hereby empowered to sell and dispose of so much thereof as shall be sufficient to pay the duties due thereon, and also the freight, charge of custody, storage and expenses, incurred by the sale thereof.

XV. If any person shall have dutiable articles on board any vessel arriving in the port of *Charlottetown*, during the continuance of this Act, which he does not intend for home consumption, but intends to re-ship the same for any port out of this Colony, then, if he shall make affidavit thereof before the Collector of Excise in the form or to the effect following—(that is to say):—

“I, *A. B.*, do swear, that the following goods, to wit: (*Here set out the Goods*), are not intended for sale, use or consumption in

this Island, or within the Bays or Harbours thereof, but are for the purpose of being re-shipped therefrom.

“ So help me GOD ”

—it shall be lawful for such Collector of Excise to receive charge of the Articles, and to allow the same to be landed and placed in some Government Warehouse, at the risk of the Importer, without requiring the duties therefor to be paid or secured ; and the owner of the articles, at any time within two months after the same shall be so placed in the warehouse, shall be entitled to re-ship the same for any other port out of this Island, on application to the proper officer, and on paying to him the amount of warehouse charges, at the same rate as in other cases in this Act mentioned.

Owner, at any time within two months, may re-ship such Goods.

XVI. If the owner of such articles in the last preceding Section mentioned shall not re-ship the same within two months from the period of landing and warehousing them, then such articles shall thenceforth be deemed to have been imported for home consumption ; and the owner shall thereupon pay the duties payable thereon, and also pay the expenses of warehousing, and the Collector of Impost or other person in whose charge the same are, shall, if the owner neglect or refuse, within seven days after the expiration of the said period of two months, to pay the duties and expenses of warehousing, and he is hereby authorised forthwith and thereafter, from time to time, to make sale of the articles or of a sufficient quantity thereof to pay the duties and expenses, or so much thereof as shall not be paid or secured.

If not re-shipped within two months, such Goods shall be deemed to have been imported for home consumption, and dealt with accordingly.

XVII. Before the said goods intended to be exported shall be delivered out of the custody of

Owner, &c. before such Goods

shall be delivered out of custody, to make and subscribe an Affidavit.

the person having them in charge, the Owner, Agent or Consignee, as the case may be, of such goods, together with the Master of the ship or vessel wherein such goods are intended to be re-shipped, shall, and they are hereby required to make and subscribe the following affidavit at the Excise Office in *Charlottetown*—that is to say :—

Form of Affidavit.

“ We, *A. B. and C. D.*, do swear, that the following Goods, to wit : (*Here set out the Goods,*) mentioned in the Manifest of the Cargo of the  
made at this Office, on the      day of  
are intended to be re-shipped immediately on board the      now lying in the Port of *Charlottetown*, and bound for      and that the said Goods and Packages shall not be used, opened or landed, in this Island, or within the Bays or Harbours thereof, before the duties thereon shall be first paid.

“ So help me GOD.”

Drawbacks, how regulated.

XVIII. Nothing in this Act, or the said recited Act of the twelfth *Victoria*, chapter ten, contained, shall entitle any exporter or exporters to a drawback on a less quantity of Wine, Brandy, Gin or Whiskey, than fifty gallons ; or a less quantity of Rum or other distilled Spirituous Liquors, or of Molasses, than One hundred gallons ; or on a smaller quantity of Tea, than eighty pounds ; of Tobacco, than three hundred pounds ; of Brown or Muscovado Sugar, than ten hundred weight ; of Coffee or Chocolate or Leather, than one hundred pounds ; nor unless the Invoice price of articles shipped at one and the same time, in one and the same vessel, and owned by one and the same person, shall, in the respective cases following, amount as follows—(that is to say) :—

Cordage and Canvas, Twenty pounds ;

Oakum or Tar, each, Ten pounds ;  
 All other Goods, Wares or Articles, not en-  
 umerated in this Section, Fifty pounds ;

nor unless application be made for the Draw-  
 back to be allowed, and the several proofs  
 requisite for obtaining the same be made, with-  
 in twelve months—to be computed from the  
 time of re-shipment. Provided also, that the  
 time limited for such re-shipment shall be from  
 sunrising to sunsetting.

XIX. Upon the exportation of any Tobacco  
 manufactured within this Island, the person  
 exporting it shall be entitled to receive from the  
 Treasury one penny three farthings per pound,  
 on the raw material from which it has been  
 manufactured, on obtaining a Permit to export  
 the same, and producing other vouchers and  
 certificates, and doing other acts required to be  
 done in other cases of exportation before receiv-  
 ing payment of drawbacks. And provided also,  
 that the Exporter or Exporters thereof shall  
 take and subscribe the following oath, before  
 shipment—which oath the several Collectors of  
 Excise and Controllors of the Navigation Laws  
 throughout this Island are hereby severally em-  
 powered and required to administer before  
 granting the Permit—(that is to say)—

Regulates mode  
 of obtaining  
 Drawback on  
 Tobacco manu-  
 factured in this  
 Island.

“ I, A. B., do swear, that the Material of the  
 quantity of manufactured Tobacco in the ac-  
 count herewith submitted was imported in a raw  
 state in the        from        in        last. And that  
 the duties payable by Law on such raw Material  
 were duly paid or secured thereon, at  
 Office ; and that neither the whole nor any part  
 of said manufactured Tobacco is intended to be  
 fraudulently re-landed, brought back, landed,  
 sold, bartered, exchanged or consumed, in any

Exporter's  
 Oath.

port or place within this Island, or any of the territories thereunto belonging.

“ So help me GOD.

“ A. B.”

Lieut. Governor  
to grant Li-  
censes to distill  
Spirituons Li-  
quors.

Duration of,  
and rate pay-  
able for such  
Licences.

License Duty,  
how applied.

XX. During the continuance of this Act, it shall be lawful for the Lieutenant Governor or Administrator of the Government of this Island for the time being, to grant Licenses to distil, extract or manufacture Spirituous Liquors in this Island—which Licenses shall be in force, from the date thereof until the first day of *May*, one thousand eight hundred and fifty four, and the rate or price of each of such Licenses shall be five pounds—which shall be paid into the Treasury of this Island, for the use of Her Majesty's Government thereof.

Distillation of  
Spirituons Li-  
quors without  
License unlaw-  
ful.

Penalty for  
such offence.

Mode of re-  
covery thereof.

XXI. It shall be unlawful for any person during the continuance of this Act to distil, extract or manufacture Spirituous Liquors in this Island, without having first obtained such License as aforesaid; and any person or persons who shall so distil, extract or manufacture Spirituous Liquors, without having first obtained a License therefor, shall, for each and every offence, forfeit and pay to Her Majesty a Fine not exceeding fifty pounds—to be recovered by Bill, Complaint or Information, in Her Majesty's Supreme Court of Judicature of this Island, and paid into the Treasury for the use of Her Majesty's Government.

Illicit distilla-  
tion, how pre-  
vented.

XXII. For the better detecting persons distilling, extracting or manufacturing Spirituous Liquors without License, as aforesaid, and also the better to enable the officers collecting the duties imposed by this or any other Act of the Legislature on such Spirituous Liquors, it shall

be lawful for any Collector of Impost, Controllor of the Navigation Laws, Preventive Officer, or other person appointed for collecting or securing the Revenue, and he is hereby authorised to enter into and upon all houses or other buildings and premises wherein he may have suspicion (and of the sufficiency of which suspicion the officer shall be the sole judge,) that Spirituous Liquors may have lately been or are being distilled, extracted or manufactured, without License or without the duties imposed by this or any other Act, having been paid or secured therefor; and if, on investigation, he shall find such to have been or to be the case, he shall, and he is hereby authorised and required to seize and carry away the same, and to sell the same by public Auction, within fourteen days after such seizure (unless the owner of the Spirits shall prove, to the satisfaction of the Officer making the seizure, that no breach of this or any other Act in force relating to the distilling, extracting or manufacture of Spirituous Liquors, or the duties payable in respect thereof, has been made); and the Officer making the seizure shall be entitled to the same proportion of the amount of the sale as in the fourth Section of the Act of the fourteenth *Victoria*, Chapter the eighth, intituled *An Act for the better prevention of Smuggling*, is awarded to Preventive Officers and Landwaiters making seizures; and a similar amount to that also pointed out in the said Section of the said last recited Act shall be paid into the Treasury of this Island for the use of Her Majesty's Government thereof.

Powers of Collector of Impost, &c.

Spirituous Liquors, illicitly manufactured, may be seized and sold.

Allowance to Officer making the seizure.

Proportion of seizure to be paid into the Treasury, and the application thereof.

XXIII. If any person shall by force, violence or otherwise, assault, resist, molest, oppose, hinder or obstruct any Officer or other person in the execution of his duties, or any of the powers by the last preceding Section of this Act con-

Penalty on persons resisting Officers, &c., in the execution of their Duties.

Recovery of  
Penalty, and  
application  
thereof.

ferred upon him, he shall forfeit and pay to Her Majesty a Fine not exceeding fifty pounds—to be recovered in Her Majesty's Supreme Court of Judicature of this Island, and to be paid into the Treasury for the use of Her Majesty's Government.

License Duty.

List of Licenses  
to be published  
quarterly.

XXIV. No person shall be allowed to obtain a License to distil Spirituous Liquors until he or she shall have first paid unto the Treasurer of this Island the amount of License duty, being five pounds as aforesaid; and the Treasurer shall give a Receipt therefor, which the person applying for a License shall produce, on making such application, and the Treasurer shall publish a List of the Licenses so granted in the *Royal Gazette*, Quarterly.

Officer prosecuted  
may plead  
general issue.

Limitation of  
Action.

XXV. If any action be brought against any officer or person for doing or causing to be done anything in pursuance of the twenty-first Section of this Act, the defendant in such action may plead the general issue and give the special matter in evidence, and every such action must be brought within six months after the cause of action arises.

Jurisdiction of  
Landwaiters  
and Preventive  
Officers.

XXVI. All Landwaiters and Preventive Officers appointed or to be appointed under and by virtue of the Act of the fourteenth *Victoria*, Chapter the eighth, intituled *An Act for the better prevention of Smuggling*, shall have jurisdiction, power and authority, and may exercise the powers by such Act vested in them as such Officers, in all parts and ports of this Island, in the same manner and under the same regulations as they may or can use or exercise the same in the port, harbour or place to which they may have been specially appointed—anything in the last recited Act to the contrary notwithstanding.

XXVII. The ninth, fortieth, forty-seventh and forty-eighth Sections of the said recited Act, of the twelfth *Victoria*, Chapter the tenth, intituled *An Act for raising a Revenue*, shall be and the same are hereby repealed.

Repeals certain parts of the Act 12 V., c. 10.

XXVIII. This Act shall go into operation on the first day of *May*, One thousand eight hundred and fifty-three, and shall from thence continue and be in force until the second day of *May*, One thousand eight hundred and fifty-four.

Continuance of Act.

## C A P . VI .

An ACT to regulate the mode of Summoning Grand and Petit Jurors, and to provide remuneration for Petit Jurors.

[April 16, 1853.]

**B**E it enacted by the Lieutenant Governor, Council and Assembly, as follows :

I. That an Act passed in the fifth year of the reign of Her present Majesty, chapter six, an Act passed in the eight year of Her present Majesty's reign, chapter nineteen, and an Act passed in the twelfth year of the same reign, chapter thirty three, are hereby repealed.

Acts 5 Vic. c. 6; 8 Vic. c. 19; and 12 Vic. c. 33, repealed.

II. That from and after the passing hereof, all persons living in their respective Counties, not hereinafter exempted, shall be liable to serve as Jurymen on all trials of treasons, felonies, breaches of the peace, or other criminal offences, as also on all trials of property, whether local or transitory ; provided always, that they be liege subjects of Her Majesty, and have resided twelve

Who liable to serve as Jurymen on trials of treasons, felonies, &c., and of property, &c.



months previous to their being summoned as Jurors, within this Island.

Persons exempted from serving on Juries; no person liable to serve oftener than once in two years.

III. Provided always, That the Members of the Executive and Legislative Councils, and of the House of Assembly, and the Officers thereof, when in Session, together with the Colonial Secretary, Colonial Treasurer, Registrar of Deeds, the Officers of Her Majesty's Army and Navy, of the Departments of Customs and Excise, Ministers of Religion, Attorneys, Physicians, Surgeons, Keepers of Light Houses, Licensed Ferry-men, Teachers of Academies, and Licensed Schoolmasters, when employed as such, Postmasters, Engine and Fire men, persons above sixty-five and under twenty-one years of age, shall be exempt from service on Juries; and no person shall be liable to serve on Grand or Petit Juries more than once in two years.

When and how lists of Grand and Petit Jurors for Queen's County to be prepared, and number of each to be contained therein.

IV. The High Sheriff for *Queen's County* shall, at the Sittings of the Supreme Court therein every year, in the months of *June* and *January* respectively, return to the Prothonotary thereof two lists, one containing the names of one hundred and fifty persons selected by him, qualified by their station and intelligence to serve as Grand Jurors, and the other containing the names of three hundred persons, selected by him, and qualified as aforesaid, to serve as Petit Jurors, all to be resident within the County; and so chosen, that, as far as may be, they may be supplied from all parts of the said County. Provided always nevertheless, that at the next following Session of the said Court after the passing of this Act, the Grand and Petit Jurors for the said County shall be summoned by him in the manner heretofore in practice; and the neglect of such summons is hereby declared to be subject to the punishments and consequences

The Grand and Petit Jurors for the session of Supreme Court next after passing of this Act, to be summoned as heretofore, and subject to like punishments, &c.

hereinafter set forth, to be incurred by such neglect, by all persons to be summoned under the provisions of this Act.

V. The High Sheriff of *Prince* County shall, in like manner, hand to the Deputy Prothonotary of the Supreme Court therein, at the sittings of the said Court every year, in the months of *June* and *October* respectively, similar lists of persons qualified as in this Act mentioned, to serve as Grand and Petit Jurors therein, save that the list of Grand Jurors for *Prince* County shall not be required to contain more than one hundred names, nor the list of Petit Jurors more than two hundred names. Provided always nevertheless, that at the next following Term of the said Court after the passing of this Act, the Grand and Petit Jurors for the said County shall be summoned by him in the manner heretofore in practice; and the neglect of such summons is hereby declared to be subject to the punishments and consequences hereinafter set forth, to be incurred by such neglect by all persons to be summoned under the provisions of this Act.

When and how lists of Grand and Petit Jurors for *Prince* County, to be prepared, &c.

Number of Grand and Petit Jurors to be contained in such lists.

Jurors for Term next, after passing of Act to be summoned as heretofore.

VI. The High Sheriff of *King's* County shall, in like manner, hand to the Deputy Prothonotary of the Supreme Court in the said County, every year at the sittings of such Court, in the months of *March* and *July* respectively, similar lists of persons qualified as in this Act mentioned, to serve as Grand and Petit Jurors therein, save that the lists of Grand Jurors for *King's* County shall not be required to contain more than one hundred names, nor the list of Petit Jurors to contain more than two hundred names. Provided always nevertheless, that at the next sitting thereof after the passing of this Act, the Grand and Petit Jurors for that County shall

When and how lists of Grand and Petit Jurors for *King's* County to be prepared.

Number of Grand and Petit Jurors to be named in such lists.

Jurors for Term next, after pass-

ing of this Act,  
to be summon-  
ed as hereto-  
fore.

be summoned in the manner heretofore in practice ; and the neglect of such summons is hereby declared to be liable to the punishments hereinafter set forth, to be incurred by persons guilty of such neglect, when summoned under the provisions of this Act.

Prothonotary,  
&c., to draw a  
sufficient num-  
ber of names  
for Grand and  
Petit Jurors,  
&c.

VII. When such lists shall have been returned to the respective Prothonotaries at the times hereinbefore directed, each of those officers shall, in open Court, draw from each list respectively the number of persons required to serve on each Jury during the next ensuing Term, and shall therefrom make a list of a sufficient number of the names, first drawn from each list respectively, rejecting those of such persons who shall have served on either Jury within the two years next preceding such drawing, which lists shall be signed by the presiding Judge, who shall then seal up and deliver the same to the Prothonotary, and the said Prothonotary shall hand the same annexed to a *Venire* to the Sheriff, at least thirty days before the then next sitting of the Supreme Court ; and the Sheriff shall thereupon cause all persons named in such lists to attend on summons to be served on each of them respectively, at least six days before such attendance is required.

List to be sign-  
ed by Judge  
and sealed, &c.

How Jurors to  
be summoned.

Sheriff on going  
out of office to  
deliver copy of  
list to his suc-  
cessor.

VIII. The High Sheriff shall, on going out of office, deliver a copy of such list to his successor in office, who shall amend, correct and add to such lists, as occasion may require.

Special Juries  
how obtained  
and struck.

IX. Upon any motion made in the Supreme Court on behalf of Her Majesty, or on motion of any Prosecutor or Defendant in an Indictment or Information for any Misdemeanor, or Information in the nature of a *quo warranto*, or on motion of any Plaintiff or Defendant in any

cause depending in the said Court, the Justices are required and authorised to order a Jury to be struck before the proper officer for the trial of any issue in such manner as heretofore Special Juries have usually, before the passing of this Act, been struck in the said Court upon Trials at Bar; and in all cases the party who shall apply for a Special Jury shall not only pay the fees for striking such Jury, but shall also pay all expences occasioned by the trial of the cause by such Special Jury, and shall not have any other allowance for the same upon taxation of costs than such party would be entitled unto in case the cause had been tried by a common Jury.

Expense of Special Jury to be paid by party applying for same.

X. A Jury which shall be empannelled for the trial of a cause which shall go over the time specified for the attendance of such Jury shall not, on that account, be discharged.

Jury empannelled not to be discharged because time for attendance shall have expired.

XI. The whole panel of Jurors shall be called on the first day on which they are bound to attend, and before any cause to be tried by a Jury shall be proceeded in; and all Jurors not then in attendance shall be fined.

Jury panel to be called over on first day of the Term; Jurors not in attendance, to be fined.

XII. If a sufficient number of Grand or Petit Jurors do not attend, or if it is probable that a sufficient number may not attend, the names of those who do not attend shall be returned to the boxes, as if they had not been drawn, and the Prothonotary shall draw the names of others liable to serve; and if necessary, cause the Sheriff immediately to summon those whose names have been so drawn to attend forthwith.

Names of Jurors not attending to be returned to the Boxes, and others to be summoned forthwith.

XIII. Every person so summoned, as aforesaid, to serve as a Grand Juror, and who shall not

Fine imposed on Grand Ju-

rors for non attendance.

Amount of Fine.

Petit Jurors to be fined for non attendance.

Amount of Fine.

appear after being openly called three times, upon oath being made by the summoning officer, that he has been lawfully summoned, shall pay a fine of not more than five pounds, nor less than two pounds, as the presiding Judge or Judges shall order, after ascertaining if there be any adequate cause for his non-attendance; and in like manner every Petit Juror shall be fined at the discretion of the said Judge or Judges, for each several default, the sum of five shillings, provided that the whole in one Term shall not exceed three pounds.

Mode of recovery of Fines.

XIV. All fines for non-attendance of Jurors shall, if not paid forthwith, be levied by Warrant of Distress, and the Prothonotary, after the calling of the Jury each day, shall make out and deliver to the Sheriff such Warrant, who shall proceed to execute the same.

All fines to be paid into the Treasury: Prothonotary to make a statement thereof, and of fines not received.

XV. And all fines so levied shall, after costs have been deducted, be paid by the Sheriff into the hands of the said Prothonotary, who shall also make a return of the causes (if any) why such fines have not been levied, and the Prothonotary shall pay into Her Majesty's Treasury all sums so received by him, with a statement thereof, together with an account of fines which it has not been possible to collect, and the causes of such impossibility, which sums and returns shall not be forwarded to the Treasury, until the conclusion of the next ensuing Term after such default.

Court, &c., may remit fine on sufficient cause shewn on Oath.

XVI. The Court or presiding Judge may relieve any Juror from such fine, in whole or in part, on sufficient reason for his absence being shewn on oath, which, if in writing, may be made before a Justice of the Peace.

XVII. The Court or presiding Judge may amend the List of Jurors returned by the Sheriff, by striking the names of persons not liable to serve or inserting the true name, or addition of any person erroneously described, or by adding the name of any qualified person brought to their knowledge.

Court, &c. may amend Jury List.

XVIII. When a full Jury shall not appear, or appearing, shall be challenged, or otherwise prove deficient, a tales *de circumstantibus* shall, at the instance of either party, be awarded and returned immediately.

Tales may be prayed by either party in case of a deficiency of Jurymen.

XIX. When above twelve of the Grand Jury shall assemble in Court for the first time in each Term, they shall choose a Foreman for the said Term.

When Grand Jury to choose their Foreman.

XX. This Act shall, once in every issuable Term of the Supreme Court in each of the Counties of this Island, be read aloud in open Court by the Prothonotary, or Deputy Prothonotary, before the charge of the Chief Justice or presiding Judge is delivered to the Grand Jury.

This Act to be read in Court once in every issuable Term in each County.

XXI. That this Act shall continue and be in force for Ten years after the passing thereof, and from thence until the end of the then next Session of the General Assembly.

Continuance of Act.

XXII. There shall be paid to the Petit Jurors summoned, and in attendance at any Term of the Supreme Court, the sum of Three Shillings each for each day's actual attendance, the same to be paid by the Prothonotary, or Deputy Prothonotary, in the same way as Crown Witnesses have heretofore been paid; but any Petit Juror who shall not appear and answer to his name on the first day of any Term, when

Petit Jurors to receive three shillings each per diem for attendance.

How and by whom to be paid.

In what cases pay to be forfeited.

the Jury Panel is called over, as in the preceding part of this Act regulated, shall forfeit his pay for that day; and on any succeeding day of the Term, on a Jury being called for the trial of any particular cause, if any Juror shall not be present to answer to his name when called, (unless he is engaged on some other Jury empannelled to try another cause,) he shall forfeit his pay for that day.

Fee payable in civil cases to each Juror for his services increased to two shillings.

To be paid by Plaintiff to Prothonotary, &c., before verdict.

How applied.

XXIII. The fee to be paid in all civil causes, for the services of each Juror empannelled to try the same, shall be the sum of Two Shillings for each Juror trying the cause, (instead of the sum of One Shilling heretofore paid,) and the same shall be paid by the Plaintiff in the cause to the Prothonotary or Deputy Prothonotary before the Verdict is delivered, and shall, within six days after each Term, be paid over or accounted for by the Prothonotary or Deputy Prothonotary to and with the Treasurer of the Island, and when paid over shall remain for the use of the Government thereof.

## C A P . V I I .

An ACT relating to the Highways in *Charlottetown* Common and Royalty, and certain other parts of *Queen's* County, and to the performance of Statute Labour and the expenditure of public money therein.

[April 16, 1853.]

**B**E it enacted by the Lieutenant Governor, Council and Assembly, as follows :

So much of 12 Vic., cap. 10, as

I. So much of the Act passed in the twelfth year of the reign of Her present Majesty Queen

*Victoria*, chapter eleven, intituled *An Act relating to Statute Labour for Charlottetown, its Common and Royalty, and also to Nuisances in and about the same*, as relates to, affects, or extends to *Charlottetown* Royalty and Common, or the inhabitants thereof, or the Highways, Roads, and Bridges therein, shall be, and the same is hereby repealed.

relates to Charlottetown Common and Royalty repealed.

II. Schedule (A) to the Act passed in the fourteenth year of the reign of Her present Majesty Queen *Victoria*, chapter sixteen, intituled *An Act to consolidate and amend the Laws now in force relating to Statute Labour and the expenditure of Public Moneys on the Highways*, shall be, and the same is hereby altered and added to as follows, (that is to say): so much of Township Number Thirty-two as lies to the eastward of the *North* or *York River* is hereby separated from District Number Six, in *Queen's* County, and the same, together with the Common and Royalty of *Charlottetown*, and *Poplar Island Bridge*, are hereby formed and constituted into a new District, and shall be added to and included in the said Schedule (A) as District Number Twelve, in *Queen's* County, which shall be subject in all respects to the provisions of the said last recited Act of the fourteenth year of Her present Majesty's reign, chapter sixteen.

Amends Schedule (A) of 14 Vic. cap. 16, by detaching so much of Township No. 32 as lies to the Eastward of the North River, from District No. 6, Queen's County, and constituting the same, together with the Common and Royalty of Charlottetown, into a new District.

III. It shall be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Council, to nominate and appoint a Commissioner of Highways, for District Number Twelve, of *Queen's* County, hereby constituted, and from time to time to remove such Commissioner, and to fill up any vacancy occurring in any such office from death, removal, resignation or otherwise; by appointing another person to fill the same.

Lieutenant Governor, &c., may appoint a Commissioner of Highways for said new District, and from time to time remove him, &c.



Powers and duties of Commissioner, under this Act, to be same as those of Commissioners appointed under 14 Vic. c. 16, for other districts.

Provisions of same Act relative to the appointment of Overseers, &c., the liability of inhabitants to do Statute Labour, &c., and other regulations, &c., therein contained,

to extend to and be in force within the District constituted by this Act,

as much as if the same had

IV. The powers and duties of the Commissioner of Highways, appointed under this Act for the Road District hereby constituted, shall be the same as are given to or required to be performed by the Commissioner of Highways appointed under the said recited Act of the fourteenth year of the reign of Her present Majesty, chapter sixteen, within their respective Districts; and he shall be subject to the same rules and regulations, and to the same fines and penalties for neglect of duty; and all the provisions in the said last recited Act contained, which refer to, or regulate the appointment of Overseers of Statute Labour, and other officers to be appointed thereunder, for the several Districts thereby originally constituted, and their duties and powers, and the liability of the inhabitants thereof to perform Statute Labour, or do any other specified act, the mode and time of performing such Statute Labour, and the amount of money, rate, or duty, which, in some cases, may be paid in lieu thereof—the expenditure of public money on the Highways and Bridges—the removal of nuisances—breaking Winter Roads—opening and closing Drains—and the modes and forms of proceedings—and also all and singular the other powers, authorities, rules, regulations, directions, penalties, forfeitures, clauses, matters and things contained and set forth in the said last recited Act, shall be, and the same are hereby extended, (except where the same are in any way amended by other clauses of this Act,) and shall be in force within the said District hereby constituted, with respect to the same, and the inhabitants thereof—the Commissioner of Highways—Overseers of Statute Labour and other officers to be appointed therefor, under this Act, as much as if the said District hereby constituted had been comprised as a Road District in Sche-

dule (A) to the said last recited Act, and the same shall severally and respectively be duly observed, practised, applied and put in execution within the District hereby constituted, in relation to the same, and the inhabitants thereof, and all or any of the officers, persons or matters aforesaid; and for the purpose of suing for and recovering all sums of money, Statute Labour rates or duties, penalties and forfeitures, that may become due, under or by virtue of any of the provisions so extended, and to be in force within the Road District hereby constituted, as fully and effectually, to all intents and purposes, as if the same provisions and the same powers, rules, authorities, regulations, duties, forms of proceeding and returns, Statute Labour regulations, rates or duties, directions, penalties, clauses, matters and things were again particularly repeated and re-enacted in the body of this Act, with reference to the Road District hereby constituted, or the inhabitants thereof, or any other matter connected therewith.

originally been included as a District in Schedule (A) to 14 Vic. cap. 16,

or the same regulations, &c., had been again re-enacted in this Act, with reference to the new District, &c., hereby constituted.

V. There shall be paid out of the moneys in the public Treasury of this Island to the Commissioner of Highways, to be appointed hereunder to the District hereby constituted, as an allowance for his services in the execution of his duties as such Commissioner, the sum of Twenty-five Pounds *per annum*, in lieu of all fees or *per centages* on moneys expended, the same to be paid half-yearly, and to be due on the first day of *January* and the first day of *July* in each year; and Warrants for the payment thereof shall be drawn in the usual manner by the Lieutenant Governor of this Island, on the Treasurer thereof.

Salary to be allowed to the Commissioner, to be appointed under this Act.

To be paid half yearly.

VI. The said Schedule (A) to the said recited Act of the fourteenth year of the reign of

Schedule (A) to 14 Vic. c. 16,

farther amend-  
ed by detaching  
part of Town-  
ship Number  
65, from District  
Number 5, and  
adding it to  
District Num-  
ber 6, in Queen's  
County.

Her present Majesty Queen *Victoria*, chapter sixteen, shall be further altered as follows, that is to say, so much of Township Number Sixty-five as lies on the north side of the *Elliot River* is hereby separated from District Number Five, and added to District Number Six in *Queen's County*, and shall hereafter, under the provisions of the said recited Act, form and constitute a part of such last mentioned District.

VII. This Act shall go into operation immediately after the passing thereof.

## CAP. VIII.

An ACT for further improving the administration of Criminal Justice.

[April 16, 1853.]

Preamble.

WHEREAS offenders frequently escape conviction on their trials by reason of the technical strictness of criminal proceedings, in matters not material to the merits of the case. And whereas such technical strictness may safely be relaxed in many instances, so as to ensure the punishment of the guilty, without depriving the accused of any just means of defence. And whereas a failure of justice often takes place on the trial of persons charged with felony and misdemeanor, by reason of variances between the statement in the Indictment on which the trial is had, and the proof of names, dates, matters, and circumstances therein mentioned, not material to the merits of the case, and by the misstatement whereof the person on trial cannot have been prejudiced in his defence.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows :

I. From and after the passing of this Act, whenever on the trial of any Indictment for any felony or misdemeanor, there shall appear to be any variance between the statement in such Indictment, and the evidence offered in proof thereof, in the name of any County, Division, City, Borough, Town Corporate, Parish, Township or place mentioned or described in any such Indictment, or in the name or description of any person stated or alleged to be the owner of any property, real or personal, which shall form the subject of any offence charged therein, or in the name or description of any person therein stated or alleged to be injured or damaged, or intended to be injured or damaged, by the commission of such offence, or in the Christian name, or Surname, or both, or in the other description whatsoever of any person therein named or described, or in the name or description of any thing therein named or described, or in the ownership of any property therein named or described it shall be lawful for the Court before which such trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defence on such merits, to order such Indictment to be amended according to the proof, by some officer of the Court, or other person, both in that part of the Indictment where such variance occurs, and in every other part of the Indictment which it may become necessary to amend, on such terms as to postponing the trial to be had before the same or another Jury, or otherwise, as such Court shall think reasonable; and after any such amendment the trial shall proceed whenever the same shall be proceeded with, in the same manner in all respects, and with the same consequences, with respect to the liability of witnesses to be indicted for perjury

The Court may amend certain variances not material to the merits of the case, and by which the Defendant cannot be prejudiced in his defence, and may either proceed with or postpone the trial, to be had before the same or another Jury.

and otherwise, as if no such variance had occurred; and in all such cases the order for the amendment shall either be endorsed on the Indictment or engrossed and filed with the Indictment, and records of the Court; provided that in all such cases where the trial shall be so postponed, it shall be lawful for the Court to respite the recognizances of the Prosecutor and witnesses, and of the Defendant and his sureties, if any, in which case the Prosecutor and witnesses shall be bound to attend to prosecute and give evidence respectively, and the Defendant shall be bound to attend, to be tried at the time and place to which such trial shall be postponed, without entering into any fresh recognizances for that purpose, in the same manner as if they had been originally bound by their recognizances to appear and prosecute, or give evidence at the time and place to which such trial shall have been so postponed; provided also, that where any such trial shall be to be had before another Jury, the Crown and the Defendant shall respectively be entitled to the same challenges as they were entitled to before the first Jury was sworn.

Verdicts and  
Judgments val-  
id after  
amendments.

II. Every verdict and judgment which shall be given after the making of any amendment under the provisions of this Act, shall be of the same force and effect, in all respects, as if the Indictment had originally been in the same form in which it was, after such amendment was made.

Records to be  
drawn up in  
amended form  
without noti-  
cing the am-  
endments.

III. If it shall become necessary at any time, for any purpose, to draw up a formal record in any case where any amendment shall have been made under the provisions of this Act, such record shall be drawn up in the form in which the Indictment was after such amend-

ment was made, without taking any notice of the fact of such amendment having been made.

IV. In any Indictment for murder or manslaughter, preferred after the passing of this Act, it shall not be necessary to set forth the manner in which, or the means by which the death of the deceased was caused; but it shall be sufficient in every Indictment for murder to charge that the Defendant did feloniously, wilfully, and of his malice aforethought, kill and murder the deceased, and it shall be sufficient in every Indictment for manslaughter to charge that the Defendant did feloniously kill and slay the deceased.

The means by which the injury was inflicted need not be specified in Indictments for murder and manslaughter.

V. In any Indictment for forging, uttering, stealing, embezzling, destroying or concealing, or for obtaining by false pretences any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile thereof, or otherwise describing the same or the value thereof.

Forms of Indictment in cases of Forgery and cases of uttering, stealing and embezzling, or obtaining by false pretences.

VI. In any Indictment for engraving or making the whole or any part of any instrument, matter or thing, or for using or having the unlawful possession of any plate or other material upon which the whole or any part of any instrument or thing shall have been engraved or made, or for having the unlawful possession of any paper upon which the whole or any part of any instrument or thing shall have been made or printed, it shall be sufficient to describe such instrument or thing by any name or designation by which the same may be usually known, without setting out any copy or fac-simile of the whole or any part of such instrument or thing.

In engraving Plates, &c.

In other cases.

VII. In all other cases, wherever it shall be necessary to make any averment in any Indictment as to any instrument, whether the same consists wholly or in part of writing, print or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out a copy or fac-simile of the whole or any part thereof.

Intent to defraud particular persons need not be alleged or proved in cases of forgery, uttering, or false pretences.

VIII. After the passing of this Act it shall be sufficient in any Indictment for forging, uttering, offering, disposing of or putting off any instrument, or for obtaining or attempting to obtain any property by false pretences, to allege that the Defendant did the act with intent to defraud, without alleging the intent of the Defendant to defraud any particular person; and on the trial of any of the offences in this section mentioned, it shall not be necessary to prove an intent on the part of the Defendant to defraud any particular person, but it shall be sufficient to prove that the Defendant did the act charged, with the intent to defraud.

A party indicted for felony or misdemeanor may be found guilty of an attempt to commit the same, and shall be liable to the same consequences as if charged with and convicted of the attempt only.

IX. And whereas offenders often escape conviction by reason that such persons ought to have been charged with attempting to commit offences, and not with the actual commission thereof: For remedy thereof, be it enacted— If on the trial of any person charged with any felony or misdemeanor, it shall appear to the Jury upon the evidence that the Defendant did not complete the offence charged, but that he was guilty only of an attempt to commit the same, such person shall not, by reason thereof, be entitled to be acquitted, but the Jury shall be at liberty to return, as their verdict, that the Defendant is not guilty of the felony or misdemeanor charged, but is guilty of an attempt to

commit the same; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an Indictment for attempting to commit the particular felony or misdemeanor charged in such Indictment; and no person tried as lastly mentioned shall be liable to be afterwards prosecuted for committing or attempting to commit the felony or misdemeanor for which he was so tried.

No person so tried to be afterwards prosecuted for the same.

X. If upon the trial of any person upon an Indictment for robbery, it shall appear to the Jury, upon the evidence, that the Defendant did not commit the crime of robbery, but that he did commit an assault with intent to rob, the Defendant shall not, by reason thereof, be entitled to be acquitted; but the Jury shall be at liberty to return, as their verdict, that the Defendant is guilty of an assault with intent to rob; and thereupon such Defendant shall be liable to be punished in the same manner as if he had been convicted upon an Indictment for feloniously assaulting with intent to rob; and no person so tried shall be liable to be afterwards prosecuted for the robbery, or for an assault with intent to commit the robbery for which he was so tried.

On the trial of an Indictment for robbery, the Jury may convict of an assault with intent to rob.

No person so tried to be afterwards prosecuted for the same.

XI. If upon the trial of any person for any misdemeanor it shall appear that the facts given in evidence amount in law to a felony, such person shall not, by reason thereof, be entitled to be acquitted of such misdemeanor; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for felony, on the same facts, unless the Court before which such trial may be had shall think fit in its discretion to discharge the Jury from giving any verdict upon such trial, and to direct such person to be indicted for felony, in which case such person

Person tried for misdemeanor not to be acquitted, if the offence turn out to be felony, unless the Court so direct.



may be dealt with in all respects as if he had not been put upon his trial for such misdemeanor.

Person indicted for embezzlement as a Clerk not to be acquitted, if the offence turn out to be larceny, and vice versa.

XII. If upon the trial of any person indicted for embezzlement as a clerk, servant or person employed for the purpose, or in the capacity of a clerk, or servant, it shall be proved that he took the property in question in any such manner as to amount in law to larceny, he shall not, by reason thereof, be entitled to be acquitted; but the Jury shall be at liberty to return, as their verdict, that such person is not guilty of embezzlement, but is guilty of simple larceny, or of larceny as a clerk, servant or person employed for the purpose, or in the capacity of a clerk or servant, as the case may be; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an Indictment for such larceny; and if upon the trial of any person indicted for larceny it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement, he shall not, by reason thereof, be entitled to be acquitted; but the Jury shall be at liberty to return, as their verdict, that such person is not guilty of larceny, but is guilty of embezzlement; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an Indictment for such embezzlement; and no person so tried for embezzlement or larceny shall be liable to be afterwards prosecuted for larceny or embezzlement upon the same facts.

Upon an Indictment for jointly receiving, persons guilty of receiving separately, may be convicted.

XIII. If upon the trial of two or more persons indicted for jointly receiving any property, it shall be proved that one or more of such persons separately received any part of such property, it shall be lawful for the Jury to convict

upon such Indictment such of the persons as shall be proved to have received any part of such property.

XIV. And whereas it frequently happens that the principal in a felony is not in custody or amenable to justice, although several accessaries to such felony or receivers at different times of stolen property, the subject of such felony, may be in custody, or amenable to justice: For the prevention of several trials, be it enacted—That any number of accessaries or receivers may be charged with substantive felonies in the same Indictment, notwithstanding the principal felon shall not be included in such Indictment, or shall not be in custody or amenable to justice.

Separate accessaries and receivers may be included in the same Indictment, although principal felon shall not be included, &c.,

XV. It shall be lawful to insert several counts in the same Indictment against the same person, for any number of distinct acts of stealing, not exceeding three, which may have been committed by him against the same person, within the space of six months from the first to the last of such acts, and to proceed thereon for all or any of them.

Three larcenies from the same person within 6 months may be included in the same Indictment.

XVI. If, upon the trial of any Indictment for larceny, it shall appear that the property alleged in such Indictment to have been stolen at one time, was taken at different times, the prosecutor shall not, by reason thereof, be required to elect upon which taking he will proceed, unless it shall appear that there were more than three takings; or that more than six months elapsed between the first and the last of such takings; and in either of such last mentioned cases, the prosecutor shall be required to elect to proceed for such number of takings, not exceeding three, as appear to have taken place

Where a single taking is charged, but the proof shews more than one taking, prosecutor not required to elect, unless it appear that there were more than three takings, or more than six months between the first and last taking.

within the period of six months from the first to the last of such takings.

Coin and Bank notes may be described simply as money.

XVII. In every Indictment in which it shall be necessary to make any averment as to any money or any treasury or bank note, it shall be sufficient to describe such money or notes simply as money, without specifying any particular coin or note, and such allegation, so far as regards the description of the property, shall be sustained by proof of any amount of coin or of any treasury or bank note, although the particular species of coin of which such amount was composed, or the particular nature of the note shall not be proved; and in cases of embezzlement, and obtaining money or treasury or bank notes by false pretences, by proof that the offender embezzled or obtained any piece of coin, or any note, or any portion of the value thereof, although such piece of coin or note may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, or to any other person, and such part shall have been returned accordingly.

Any Judge of superior Courts of law or equity, may direct a person guilty of perjury in any evidence to be prosecuted.

XVIII. And whereas it is expedient to render prosecutions for perjury, and subornation of perjury, more easy and efficient: Be it enacted, That it shall and may be lawful for the Judge or Judges of any of the superior Courts of common law or equity, in case it shall appear to him or them that any person in any evidence given, or in any affidavit, deposition, examination, answer or other proceeding made or taken before him, has been guilty of wilful and corrupt perjury, to direct such person to be prosecuted for such perjury, in case there shall appear to him or them a reasonable cause for such prosecution, and to commit such person so directed to be

And to commit the person, un-

prosecuted until the next term of the Supreme Court for the County within which such perjury was committed, unless such person shall enter into a recognizance with one or more surety or sureties, conditioned for the appearance of such person at such next term of the Supreme Court, and that he will surrender and take his trial and not depart the Court without leave; and to require any person he or they may think fit to enter into a recognizance conditioned to prosecute or give evidence against such person so directed to be prosecuted.

less he enter into recognizance to appear and take his trial, and bind persons to give evidence, &c.

XIX. In every Indictment for perjury, or for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously or corruptly taking, making, signing or subscribing any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate or other writing, it shall be sufficient to set forth the substance of the offence charged upon the Defendant, and by what Court, or before whom the oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate or other writing was taken, made, signed or subscribed, without setting forth the bill, answer, information, indictment, declaration, or any part of any proceedings either in law or in equity, and without setting forth the commission or authority of the Court or person before whom such offence was committed.

In Indictments for perjury the substance of the offence may be set forth.

XX. In every Indictment for subornation of perjury, or for corrupt bargaining or contracting with any person to commit wilful and corrupt perjury, or for inciting, causing or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously or corruptly to take, make, sign or subscribe any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate or other writing, it

Indictments for subornation of perjury and other like offences simplified.

shall be sufficient, whenever such perjury or other offence shall have been actually committed, to allege the offence of the person who actually committed such perjury or other offence, in the manner hereinbefore mentioned, and then to allege that the Defendant unlawfully, wilfully and corruptly did cause and procure the said person the said offence, in manner and form aforesaid, to do and commit; and wherever such perjury or other offence aforesaid shall not have been actually committed, it shall be sufficient to set forth the substance of the offence charged upon the Defendant, without setting forth or averring any of the matters or things hereinbefore rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury.

On trials for perjury and subornation, a certificate of the trial of the Indictment on which the perjury was committed, sufficient evidence of such trial.

XXI. A certificate, containing the substance and effect only, omitting the formal part of the Indictment and trial for any felony or misdemeanor, purporting to be signed by the Clerk of the Court, or other officer having the custody of the records of the Court where such Indictment was tried, or by the Deputy of such Clerk or other officer, for which certificate no fee shall be demanded or paid, shall, upon the trial of any Indictment for perjury or subornation of perjury, be sufficient evidence of the trial of such Indictment for felony or misdemeanor, without proof of the signature or official character of the person appearing to have signed the same.

Venue in the margin sufficient, except where local description is essential.

XXII. It shall not be necessary to state any venue in the body of any Indictment, but the County named in the margin thereof shall be taken to be the venue of all the facts stated in the body of such Indictment; provided that in cases where local description is or hereafter

shall be required, such local description shall be given in the body of the Indictment.

XXIII. No Indictment for any offence shall be held insufficient for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," or of the words "against the peace," nor for the insertion of the words "against the form of the statutes," or *vice versa*, nor for that any person mentioned in the Indictment is designated by a name of office, or other descriptive appellation, instead of his proper name, nor for omitting to state the time at which the offence was committed, in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the Indictment, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue, nor for want of a proper or formal conclusion, nor for want of or imperfection in the addition of any Defendant, nor for want of the statement of the value or price of any matter or thing, or the amount of damage, injury or spoil in any case where the value, or price or the amount of damage, injury or spoil, is not of the essence of the offence.

What defects shall not vitiate an Indictment.

XXIV. Every objection to any Indictment, for any formal defect apparent on the face thereof, shall be taken by demurrer, or motion to quash such Indictment, before the Jury shall be sworn, and not afterwards; and every Court before which any such objections shall be taken for any formal defect, may, if it be thought necessary, cause the Indictment to be forthwith amended in such particular, by some officer of

Formal objections to Indictments shall be taken before Jury are sworn.

Court may amend any formal defect.

the Court or other person, and thereupon the trial shall proceed as if no such defect had appeared.

Provision as to  
traversing In-  
dictments.

XXV. No person prosecuted shall be entitled to traverse or postpone the trial of any Indictment found against him; provided that if the Court, upon the application of the person so indicted or otherwise, shall be of opinion that he ought to be allowed a further time, either to prepare for his defence or otherwise, such Court may adjourn the trial of such person to the next subsequent session, upon such terms, as to bail or otherwise, as to such Court shall seem meet, and may respite the recognizances of the prosecutor and witnesses accordingly, in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence at such subsequent session, without entering into any fresh recognizance for that purpose.

Provision as to  
plea of *autre-  
fois* convict or  
*autre-fois* ac-  
quit.

XXVI. In any plea of *autre-fois convict* or *autre-fois acquit*, it shall be sufficient for any Defendant to state that he has been lawfully convicted or acquitted, as the case may be, of the offence charged in the Indictment.

Interpretation  
of terms used in  
this Act.

XXVII. In the construction of this Act, the word "Indictment" shall be understood to include information, inquisition and presentment, as well as Indictment, and also any plea, replication, or other pleading, and any record; and the terms "finding of the Indictment" shall be understood to include the taking of an inquisition, the exhibiting of an information, and the making a presentment; and the word "property" shall be understood to include goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed.

## CAP. IX.

## An ACT to extend the Elective Franchise.

[April 16, 1853.]

**W**HEREAS it is deemed expedient to extend the Elective Franchise, and for that purpose to amend the Act of the eleventh year of the reign of Her present Majesty Queen *Victoria*, chapter twenty one, intituled *An Act to consolidate and improve the Law for the Election of Members to serve in the General Assembly*.

Preamble.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows :

I. That the twenty-first, twenty-second, twenty-fifth, twenty-seventh, twenty-eighth, sixtieth, sixty-first, sixty-second, sixty-third, sixty-fourth and sixty-fifth sections of the said recited Act of the eleventh year of Her present Majesty's reign, chapter twenty-first, and also the whole of the three first forms of Oath to be administered to electors claiming to vote at any Election, set forth and contained in the Schedule to the said Act, shall be, and the same are hereby severally and respectively repealed.

Repeals 21st, 22d, 25th, 27th, 28th, 60th, 61st, 62d, 63d, 64th and 65th sections of 11 Vic. c. 21, and various forms of Oath, &c.

II. Every male person of the age of twenty-one years and upwards, being a British subject, and not subject to any legal incapacity, and who shall be also qualified in any manner as hereinafter mentioned, that is to say, who shall own or be entitled to a freehold estate, or shall be in the actual possession or use and occupation, however derived or acquired, of, and in one whole Water Lot, Common Lot, Town Lot, or Pasture Lot in any Town, Common and Royalty within this Island, or shall own or be entitled

Qualification of Electors in the various Towns, Royalties, Electoral Districts, &c.



to a freehold estate, or shall be in the actual possession or use and occupation, however derived, of, and in a piece of Land, House, Warehouse, Shops or other Building or Premises, within any Town, Common and Royalty, or within any Electoral District in this Island, of the clear yearly value of forty shillings, or who shall by Law be liable to perform Statute Labor on any of the Highways, Streets or Bridges of this Island, or to pay a sum of money or rate therefor or in lieu thereof, or who, being otherwise so liable shall be specially exempted therefrom by Statute, on account of holding any office, situation or employment, shall, in respect of such his qualification be entitled to vote at any election hereafter to be held for the election of a Member or Members to represent in the General Assembly of this Island, the Town, Common, and Royalty, or Electoral District wherein his qualification (if a property qualification), shall be situate, or if otherwise, wherein he may be liable, or unless exempt as aforesaid, would be liable to perform Statute Labor, or pay a sum of money or rate therefor, or in lieu thereof. Provided he shall have owned or possessed, or been in the use and occupation of such Town Lot, Common Lot, Pasture Lot or Water Lot, piece of Land, House, Warehouse, or other Buildings, Shop or Premises as aforesaid, or shall have been resident in the Town, Common and Royalty, or Electoral District, in which he shall be liable, or unless exempt as aforesaid, would be liable to perform Statute Labor, or pay a sum of money or rate therefor, or in lieu thereof, for the space of twelve calendar months previous to the test of the Writ for holding the Election; and provided also, that in case of the premises constituting any one of the before mentioned property qualifications being owned or occupied by joint tenants or occupants, tenants in common

Proviso.

co-parceners or co-partners in trade, then not more than one of them, as the case may be, shall vote thereon, unless their individual interest therein shall be of the yearly value of forty shillings. Provided also, that nothing herein contained shall extend or be construed to extend to entitle any person, being merely a boarder or lodger, in any house, to vote at an Election, unless otherwise qualified in the terms of this Act.

III. From and after the time when this Act shall go into operation, all persons who now are or hereafter may be owners or occupiers of at least eight acres of certain Reserved Lands, called *Cardigan Point*, marked in the original plan of this Island as part of the Royalty of *Georgetown*, shall be as heretofore, and they are hereby declared to be entitled to vote as electors of said Town and Royalty.

Owners, &c., of 8 acres of Reserved Lands on Cardigan Point, may vote as Electors for Georgetown.

IV. And whereas there are many persons who are in possession of, and entitled to leasehold estates in valuable improved farms, and other pieces of Land, the annual rent whereof doth not in the whole amount to forty shillings, and unless otherwise provided for it might happen that the amount of rent payable by them in such cases, notwithstanding the increased value of the estates in their possession by improvements and buildings made and erected thereon, would deprive them of the right to vote; therefore every person who shall be in possession of, or entitled to a leasehold estate in and to a farm, or other piece of Land, which, with the improvements and buildings thereon, would be of the fee simple value of thirty-five pounds, whether the annual rent reserved or payable therefor shall or shall not amount to forty shillings; shall, at any election hereafter to be holden be-

Every person who shall be in the possession of Lands, &c., held under Lease, the fee simple value of which, with improvements, &c., shall amount to £35, entitled to vote, although yearly Rent does not amount to forty shillings.

entitled to vote for a member or members to serve in the General Assembly for the Town, Common and Royalty or Electoral District wherein the same may be situate. Provided that every such person shall, in other respects, be qualified as required by this Act.

Different Premises, &c., occupied, &c., in succession for 12 months to give a right to vote for Town, &c.

V. The piece of Land, Lot, House, Warehouse, Shop or other Building or Premises, in respect of the ownership, possession or use and occupation of which any person shall be entitled to vote at an election for a Town, Common and Royalty or Electoral District, of which the same may form a part within this Island, as aforesaid, may be different premises, owned or occupied in immediate succession by such person during the space of twelve months next previous to the date of the writ of election.

Every Elector qualified to vote in District in which he resides, to vote in the Polling Division in which he resides.

Oath to be taken in such case.

VI. Every elector, qualified to vote for the Town or Electoral District in which he resides, shall vote at any election for such Town or District in the Polling Division in which he resides, and not elsewhere; and the oath of qualification to be administered to and taken by every such resident elector, when required, as herein or in the said recited Act of the eleventh *Victoria*, chapter twenty-one, provided, shall be the oath contained in the Schedule to this Act annexed, marked (A).

Non-resident Electors to vote in Polling Division in which property lies.

Oath to be taken in such case.

VII. Every Elector, qualified to vote in any Town or Electoral District in which he does not reside, shall vote in the Polling Division in which the property on which he claims to vote for such Town or Electoral District is situate, and not elsewhere; and the oath of qualification to be administered to and taken by every such non-resident elector in this section mentioned, when required as herein or in the said recited Act of the eleventh *Victoria*, chapter twenty-

one, provided, shall be the oath contained in the Schedule to this Act annexed, marked (B).

VIII. Every vote given in a Polling Division, wherein the same ought not to have been given, shall be struck out of the Poll Book, and not counted for the party in whose favor the same may be given. Provided always, that in cases where boundary lines between different Polling Divisions are doubtful, the Polling Division in which the elector is reputed to reside, or in case of a non-resident elector, the Polling Division on which the property on which he votes is reputed to be, shall be deemed and taken to be the Polling Division on which such elector resides; or in the case of a non-resident elector, in which such property lies, for all the purposes of this Act, or of the said recited Act of the eleventh year of the reign of Her present Majesty Queen *Victoria*, chapter twenty-one.

Vote given in a wrong Polling Division to be struck out of the Poll Book, &c.

Polling Division in which vote is to be given, when bounds of Division doubtful.

IX. Whenever any elector shall be questioned by or on behalf of any Candidate at any Election hereafter to be held, such elector, if he claims to vote on account of property, shall truly describe the same, and where it is situate, and if the property for which he claims to vote shall be held under a Lease, or agreement for a Lease, parol or in writing, the annual rent payable for the same, and if freehold, or if he claims to vote on the ground of use and occupation, or possession thereof only, as hereinbefore mentioned, the estimated yearly value thereof; and if he claims to vote because he shall be liable to perform Statute Labor, or to pay a sum of money, rate, or duty therefor, or in lieu thereof, or would be liable to perform or pay the same, unless specially exempted as aforesaid, he shall specify where or in what Road District he is liable, or unless exempt, would be liable to perform such Statute Labor or make payment

Elector, when questioned, to describe property, title, qualification, &c.

Particulars of claim to vote to be taken down in the Poll Book, &c.

Candidate may object to a vote, and cause it to be marked "objected" in the Poll Book, and Elector to be sworn.

Oaths which, in such cases, may be administered to Electors.

Quakers and Moravians may make affirmation.

Penalty on persons wilfully and falsely, &c., taking any of the Oaths required by this Act, or procuring, &c., others to do so.

therefor or in lieu thereof, and in cases of exemption shall state the grounds thereof, and all the particulars of such claim to vote as aforesaid, according to the circumstances of the case, shall be taken down in the Poll Book, and shall be conclusive against such elector; and every Candidate against whom the vote is given, or his Substitute, may object to such elector, and direct his vote to be marked "objected," and also cause the elector to be sworn, and to have administered to him the Elector's Qualification Oath, applicable to such elector, and the oath against fraudulent conveyances and bribery, contained in Schedules (A), (B) and (C), to this Act, or either of them; and the Sheriff or other officer presiding for taking the Poll is hereby authorised to administer such oaths.

X. Any person being a Quaker or Moravian, whenever an oath is required by this Act, or by the said recited Act of the eleventh *Victoria*, chapter twenty-one, shall be permitted, instead of such oath, to make his solemn affirmation or declaration.

XI. If any person shall wilfully, falsely, and corruptly take any of the oaths or affirmations, appointed and required by any of the provisions of this Act, and be thereof lawfully convicted by Indictment or Information; or if any person shall corruptly procure or suborn any other person to take the said oaths or affirmations, or any of them, and the person so procuring or suborning shall be thereof convicted by Indictment or Information, every such person so offending shall be judged guilty of wilful and corrupt perjury, and shall for every such offence incur and suffer such penalties, forfeitures and disabilities as persons convicted of wilful and corrupt perjury are, or may be liable to.

**XII.** This Act shall be deemed and taken to be as much a part of the Act of the eleventh *Victoria*, chapter twenty-one, of which it is an amendment, as if it had originally formed a part thereof, and had been therein inserted instead of the sections and provisions thereof which it repeals, alters or amends; and all the unrepealed rules, regulations and laws in the said amended Act contained, relating to the Election of Members to serve in the General Assembly of this Island, and the mode of conducting the same or otherwise, in any way connected therewith, shall remain in full force for the purposes thereof; and where the same may have reference to such parts of the said amended Act as are hereby repealed, then they shall be held and deemed, as far as can be, to apply and have reference to the provisions of this Act enacted in lieu thereof, and *vice versa*, so that the said unrepealed provisions of the said Act of the eleventh *Victoria*, chapter twenty-one, and also the provisions of this Act, may have full force and effect, as therein and herein stated.

This Act to be deemed and taken to be as much a part of Act 11 Vic. c. 21, as if it had originally formed a part thereof, &c.

**XIII.** Nothing in this Act contained shall be of any force or effect, or go into operation, until Her Majesty's assent thereto shall be given, and notification thereof published in the *Royal Gazette* Newspaper of this Island.

Suspending clause.

### Schedules to which this Act refers.

#### SCHEDULE (A).

Schedule (A).

OATH TO BE ADMINISTERED TO AN ELECTOR CLAIMING TO VOTE FOR THE TOWN OR ELECTORAL DISTRICT IN WHICH HE RESIDES, OR EITHER OF THEM, AND WHICH VOTE IS BY THIS ACT REQUIRED TO BE POLLED IN THE POLLING DIVISION IN WHICH THE ELECTOR RESIDES.

You, *A. B.*, do swear that you are by Law qualified to vote, for this Election for the Town, Common, and Royalty of (or the Electoral District, as the case may be), in the County of in right of the property or title (or in respect to your liability to perform Statute Labor, or

Elector's Oath when claiming to vote in District in which he resides.

pay a sum of money, rate or duty therefor, or in lieu thereof, *in case of exemptions add, unless exempt therefrom on account of (state ground of exemption) as the case may be*), which have now been taken down in the Poll Book, and read to you, and that you have not polled or given a vote for any Candidate at this Election, within this or any other Polling Division, and that the place of your abode is at        in the Polling Division of the Town &c. of (or in the Electoral District of        County, *as the case may be*), and is, according to the best of your knowledge and belief, within this Polling Division.

So help you GOD.

**Schedule (B).**

**SCHEDULE (B).**

OATH TO BE ADMINISTERED TO AN ELECTOR CLAIMING TO VOTE IN ANY TOWN OR ELECTORAL DISTRICT IN WHICH HE DOES NOT RESIDE, AND WHICH VOTE IS REQUIRED TO BE GIVEN IN THE POLLING DIVISION WHEREIN HIS QUALIFICATION IS SITUATE.

**Elector's Oath**  
when claiming  
to vote in Dis-  
trict in which  
he does not re-  
side.

You, *A. B.*, do swear that you are by Law qualified to vote for this Election for the Town of        (or Electoral District, *as the case may be*), in the County of       , in right of the property and title which have now been taken down in the Poll Book and read to you; and that, according to your best knowledge and belief, the said property lies in this Polling Division; and that you have not been polled or given a vote for any Candidate at this Election, either in this Polling Division, or in any other Polling Division in this Town (or District, *as the case may be*), and that the place of your abode is not within this Electoral District.

So help you GOD.

**Schedule (C).**

**SCHEDULE (C).**

OATH AGAINST BRIBERY AND AGAINST FRAUDULENT CONVEYANCES TO BE ADMINISTERED ALIKE WHEN REQUIRED TO ALL CLASSES OF VOTERS.

**Oath against**  
fraudulent con-  
veyance and  
bribery, &c.

You, *A. B.*, do swear that you have not received or had for yourself or any person whatsoever, in trust for your use and benefit, directly or indirectly, any sum of money, office, place, employment or gift, in order to give your vote at this Election, for the Town of        (or Electoral District, *as the case may be*), and that you have not before been polled or given a vote for any Candidate at the said Election for this Electoral District (or otherwise, *as the case may be*), and that your place of abode is at        (if the voter claim to vote on a property qualification, here add further, And that the property in respect whereof you do claim a right to vote at this Election hath not been granted or conveyed to you fraudulently, on purpose to qualify you to give such vote).

So help you GOD.

## CAP. X.

## An ACT to alter and add to the Act regulating the retail of Spirituous Liquors.

[April 16, 1853.]

**W**HEREAS the Act of the General Assembly passed in the ninth year of the reign of Her present Majesty, intituled *An Act to consolidate the several Acts regulating the sale by license of Spirituous and other Liquors*, is greatly evaded and abused, and under colour of such Act many persons keep houses for the retail of Spirituous Liquors, without the accommodation for travellers prescribed, and many of such licensed houses are in no way necessary for public accommodation, but rather prove evils to society: For remedy whereof—Be it enacted, by the Lieutenant Governor, Council and Assembly, as follows:—

Preamble.

I. From and after the passing hereof, no Tavern License for the retail of any fermented or distilled Spirituous Liquors shall be granted to any person, until he or she shall be first recommended therefor by the Grand Jury of the County wherein the applicant for any such license shall reside—the said applicant having produced a certificate attesting to his or her moral character, and to the necessity for such a house of public accommodation, signed by the nearest Magistrate and by six of his neighbours, and a certificate in writing be granted under the hand of the foreman of the said Grand Jury, to be signed while they shall be convened at the Supreme Court held in such County, that the applicant for such license is a person of good moral character and steady habits, and that an Inn or Tavern at the dwelling-house of the said

No Tavern keeper to receive a License until recommended by the Grand Jury.

Applicant to produce a certificate of moral character, &c., signed by nearest Magistrate, and six neighbours,

and a certificate under the hand of the Foreman of the Grand Jury in a prescribed form.



applicant is necessary for public accommodation —which certificate shall be necessary, in addition to such other certificates and requisites as are already prescribed by the said recited Act, and shall be in substance according to the form in the Schedule to this Act annexed, marked (A), and deposited with the Colonial Secretary before any such Tavern License is issued or assigned.

After a License obtained pursuant to certificate of Grand Jury, the licensee may have the same renewed on complying with the terms by this Act imposed.

II. After a certificate shall be duly granted by the said Grand Jury in manner aforesaid, and a license duly obtained in accordance with said certificate, every person to whom such license shall be granted shall be entitled to have the same renewed, on procuring a new certificate of his tavern accommodations, in manner required by this Act and the Laws now in force relating to the retail of Spirituous Liquors, and depositing the same with the Treasurer at the time he shall apply for such renewal of his license; and such person shall not be required to renew his said certificate of moral character.

Application for certificate of Grand Jury to be in writing, and signed by the person requiring the same.

III. The application for such certificate shall be in writing, under the hand or mark of the person requiring the same, and shall state accurately his or her name and occupation, and whether a married or single person, and also the Town, Royalty, Common, or the number of the Township, and as near as possible the exact place within such Town, Royalty, Common or Township where the Tavern or Inn to be licensed is situate.

Licenses now in force shall continue so, until close of first sittings of Supreme Court after passing of this Act.

IV. In all cases where any Tavern License, granted before the passing of this Act, shall expire after the passing thereof, and before the assembling of the Grand Jury at the term of the Supreme Court, which shall sit in the County

wherein such Tavern is situate, next after the period at which such license shall expire, then, and in every such case, every such license shall be deemed to continue in force, at the election of the licensee thereof, until the close of the said sitting of the said Supreme Court; and in case such licensed person shall apply for a new license in terms of this Act, he shall pay, in addition to the duty on the new license, a rateable proportion of duty for the time he shall have retailed liquors between the expiration of his old license and the granting of the new one.

Should such licensed persons apply for new license, they shall pay an additional rate of duty.

V. No person shall or may, after the passing of this Act, sell upon trust or credit any distilled Spirituous Liquors in less quantities than one quart to any person or persons whomsoever; except licensed retailers, who may sell to the value of Five Shillings only; nor shall any person maintain an action at Law or suit in Equity against any person so credited or trusted, their executors or administrators; and in all cases where persons licensed as aforesaid, or others in trust for or under them, shall or may take or receive from any person so trusted any obligation or other security for the securing the payment of sums exceeding the said sum of Five Shillings, the same are hereby rendered null and void.

No distilled Spirituous Liquors to be sold on trust or credit, in less quantities than one quart.

Except by Licensed Retailers, who may sell to value of 5s.

Securities taken by Licensed Retailers for sums credited, exceeding 5s., declared void.

VI. The form of Oath prescribed in Schedule (A) to the Act passed in the tenth year of Her present Majesty's reign, chapter the eleventh, shall be repealed, and in lieu thereof the following Oath shall be taken by every person before obtaining a Tavern License :—

Oath prescribed by 10 Vic. cap. 11, repealed.

“I,                      of                      in the Town, (or Township and County, *as the case may be,*) do swear that the stable and accommodation there-

Form of Oath to be taken under this Act.

in this day viewed and examined by *E. F.* and *G. H.*, Esquires, two of Her Majesty's Justices of the Peace, are now complete and in my actual possession, and are intended so to be at all times during the continuance of my intended License, appropriated for the use of such Horses and beasts of burthen as may be required to be stabled therein by persons who shall put up or stop at my said intended Tavern, and are not intended and shall not be used by me or any other person for any other purpose, to the exclusion or denial of any such Horses or beasts of burthen, and that the said stable is within the distance of one hundred yards from the said intended Tavern. And I do further swear that the beds and bedding now exhibited to them, the said *E. F.* and *G. H.*, are according to the inventory hereunto annexed, and are for the use of travellers who may stop at this my intended Tavern, and are lawfully in my possession, and have not been hired or borrowed for the temporary purpose of enabling me to obtain a license, and that I will at all times use such license for the sole purpose of keeping a public Tavern or Inn, wherein I will entertain such proper guests as may offer, not being more than I can receive, and I will make only fair and reasonable charges against them for my services.

“So help me God.”

Penalty on persons lending Beds, &c., for the purpose of inducing any Justice of Peace to grant a certificate contrary to this Act.

Such Beds, &c., to be forfeited to the Crown.

VII. Every person who shall temporarily lend or let to any other person any beds or bedding, for the purpose of exhibiting the same to any Justice of the Peace, in order to induce such Justice to grant the aforesaid certificate, contrary to the intention of this Act, shall forfeit and pay for each and every such offence a sum not exceeding Five Pounds, besides forfeiting to Her Majesty their right to all such beds or bedding so lent or let as aforesaid.

VIII. All contracts, sales or bargains of or relating to the use of any beds, bedding or any other articles of household furniture, made with the fraudulent intention of evading the provisions of this Act, shall be taken to be valid and binding against the grantor, vendor or person lending the same—saving always to Her Majesty the right of forfeited articles as aforesaid.

All contracts relating to the use of Beds, &c., made with intention of evading provisions of this Act shall be valid and binding as against the grantor.

Saving right of forfeiture to Her Majesty.

IX. It shall be the duty of the Justices of the Peace who shall sign the before mentioned certificate, and they or either of them, and in their absence, any other of Her Majesty's Justices of the Peace, are and is hereby authorised and directed to inspect or cause the Tavern or Inn and stable accommodations, respecting which their said certificate shall have been granted, to be inspected as often during the continuance of such license as to the said Justices, or either of them, shall appear requisite, and for that purpose, upon the information of any housekeeper resident in the vicinity of such Tavern or Inn, to the effect, that he hath good reason to believe that the licensed keeper of such Tavern or Inn hath not the full accommodations required by Law, (whether such information be made on oath or otherwise,) it shall be lawful for the said Justices, or either of them, to grant an authority in writing under his or their hands, directed to any one or more constables by name, of the same Town, Royalty or Township, and authorising such constable or constables to proceed to and make all necessary examination of the said Tavern or Inn and stable accommodations; and in case any of such stable accommodations shall be found wanting, such Justices or Justice shall forthwith take measures to enforce the Law respecting the same.

Defines duty of Justices of the Peace, who shall sign the aforementioned certificate, &c., in causing Tavern and Stable accommodations to be inspected during the continuance of the License.

Duty of Justices, where upon examination, accommodations shall be found wanting.

Penalty on constables refusing &c., to perform his duty, and on persons wilfully obstructing Constable in the performance of same.

X. Every constable, on being tendered reasonable fees for such service, who shall refuse or neglect to perform his duty in this respect, and every person who shall by any means wilfully obstruct, prevent, hinder or deter any constable in the performance of such duty, shall forfeit and pay for each and every such offence any sum not less than One Pound nor more than Two Pounds.

Penalties by this Act imposed, how to be removed and appropriated.

XI. The several penalties by this Act imposed, shall and may be sued for and recovered with costs, and appropriated in manner prescribed in the fourteenth and eighteenth sections of the herein before recited Act; and any person duly convicted of any breach of this Act, and having no goods or chattels to satisfy any Warrant of Distress issued for such penalty, shall suffer imprisonment for any period not exceeding four months, in lieu of the period of imprisonment in the said eighteenth section of the said recited Act mentioned.

Penalty on persons forging or counterfeiting any certificate authorised to be granted by the Grand Jury.

XII. Every person who shall forge or counterfeit any certificate authorised to be granted by the Grand Jury as aforesaid, or shall knowingly alter or make use of any such forged or counterfeit certificate, with intent that a license may be thereby unlawfully granted, shall be deemed guilty of felony, and punished in manner by the Laws of this Island prescribed for persons guilty of felony.

This Act, how to be construed.

XIII. This Act and the Act hereinbefore recited, shall be deemed to be remedial Acts, and shall in all respects be construed liberally with the view of supplying and counteracting the evils and immorality arising from the evasion, abuse or misuse of licenses granted or to be granted for the retail of Spirituous Liquors.

XIV. This Act shall be in force for three years from the passing thereof, and no longer. Duration of Act.

Schedule to which this Act refers.

SCHEDULE (A).

COUNTY.

GRAND JURY ROOM.

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This is to certify, that *A. B.*, of        in        County, is a person of good moral character and steady habits, and worthy of being entrusted with a Tavern License for the retail of Spirituous Liquors, and as such, we hereby recommend him (or her) to His Excellency the Lieutenant Governor; and we further certify that a Tavern or Inn, at the situation of the dwelling house of the said *A. B.*, at        in        is necessary for public accommodation.

For self and fellows,

*C. D.*,

Foreman.

CAP. XI.

An ACT relating to the appointment of  
Constables and Fence Viewers for  
*Queen's* County.

[April 16, 1853.]

**W**HEREAS, in the Act of the fifteenth year of the reign of Her present Majesty Queen *Victoria*, chapter the tenth, intituled *An Act to consolidate and amend the Laws now in force relating to Division Fences*, the power of the Grand Jury of *Queen's* County, in Hilary Term of the Supreme Court of Judicature, and of the said Supreme Court, to appoint Fence Viewers, and which was possessed by them previous to the passing of the said recited Act, by virtue of the Acts thereby consolidated and repealed, was omitted to be continued; yet in the last Hilary Term of the said Court preceding the passing of this Act, Fence Viewers for

15 Vic. c. 10.

*Queen's* County were nominated and appointed in all respects as if no such omission had occurred, and it is therefore necessary that the said appointment should be confirmed, and provision made for the future nomination and appointment of Fence Viewers for the said County; and it is also advisable to regulate the mode of the appointment of Constables for *Queen's* County more satisfactorily than has yet by Law been done: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:—

Grand Jury at Hilary Term in *Queen's* County to prepare lists of persons fit to fill the offices of Constables and Fence Viewers, &c.

Lists to contain double the number of names required.

Court to strike out one half of names. &c. &c.

I. The Grand Jury who shall be summoned to attend the Hilary Term of the said Supreme Court in *Queen's* County, in every year, shall, and they are hereby authorized, at such term, to prepare lists of fit and proper persons to fill the offices of Constables and Fence Viewers, for the several Towns and Settlements in *Queen's* County, for the next ensuing year—which lists shall contain double the number of names, in each case, which the Grand Jury shall think necessary to be appointed, and shall by them be submitted to the said Court, which shall strike out of the names contained in each list one-half, and the remaining number shall be Constables and Fence Viewers in the several Towns and Settlements aforesaid.

Former appointment of Constables and Fence Viewers for *Queen's* County confirmed.

Constables, &c. so appointed to continue in office until fresh appointment under this Act;

II. The appointments of Constables and Fence Viewers, made by the Grand Jury of *Queen's* County and the said Supreme Court, at the last Hilary Term thereof, before the passing of this Act, is hereby confirmed and rendered valid; and the persons so appointed Constables and Fence Viewers shall continue in office until a fresh appointment shall be made under the provisions of this Act; and such Fence Viewers shall have and execute all the powers, authori-

ties and duties given to or required to be possessed or performed by Fence Viewers under the provisions of the said recited Act, or any other Act of the General Assembly of *Prince Edward Island*, now in force, relating to Fences or Fence Viewers, and all acts heretofore done by such persons so appointed to be Constables and Fence Viewers for *Queen's County*, which, if their appointments had been regular, would have been legal and valid, are hereby confirmed and declared to be good and binding.

And to have same powers &c. as in other cases.

Acts heretofore done by them confirmed.

III. The provisions of the Act passed in the sixth year of the reign of Her present Majesty *Queen Victoria*, chapter the second, intituled *An Act to compel persons appointed to the office of Constables to serve as such*, are hereby extended to all Constables to be appointed under this Act, and to all vacancies requiring to be filled up in such appointments.

Extends provisions of the Act 6 Vic. c. 2 to all Constables appointed under this Act.

IV. This Act shall go into operation immediately after the passing thereof.

When Act go into operation.

## C A P . X I I .

### An ACT to amend the Law of Evidence.

[April 16, 1853.]

**W**HEREAS it is expedient to amend the Law of Evidence in divers particulars: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows :

I. Whenever any action or other legal proceeding shall henceforth be pending in the Supreme Court of Judicature of this Island, such Court and each of the Judges thereof may respectively, on application made for such purpose

Supreme Court authorized to compel inspection of documents in cases where Court of



Equity would  
grant disco-  
very.

by either of the litigants, compel the opposite party to allow the party making the application to inspect all documents in the custody, or under the controul of such opposite party, relating to such action or other legal proceeding, and if necessary to take examined copies of the same, in all cases in which, previous to the passing of this Act, a discovery might have been obtained by filing a Bill, or by any other proceeding, in a Court of Equity, at the instance of the party so making application as aforesaid to the said Court or Judge.

British, Fo-  
reign, and Colo-  
nial Treaties,  
Acts of State,  
Judgments, &c.  
proveable by  
certified copies,  
without proof of  
seal or signa-  
ture or judicial  
character of  
person signing  
the same.

How such copies  
must be authen-  
ticated.

II. All proclamations, treaties and other acts of State, of *Great Britain or Ireland*, or of any Foreign State, or of any British Colony, and all judgments, decrees, orders, and other judicial proceedings, of any Court of Justice in *Great Britain or Ireland*, or in any Foreign State, or in any British Colony, and all affidavits, pleadings, and other legal documents, filed or deposited in any such Court, may be proved in any Court of Justice in this Island, or before any person having by Law or by consent of parties authority to hear, receive, and examine evidence, either by examined copies, or by copies authenticated as hereinafter mentioned, —that is to say— if the documents sought to be proved be a proclamation, treaty or other act of State, the authenticated copy to be admissible in evidence must purport to be sealed with the Seal of the Foreign State, or *Great Britain or Ireland*, or British Colony to which the original document belongs; and if the document sought to be proved be a judgment, decree, order, or other judicial proceeding of any Foreign or Colonial Court, or Court of *Great Britain or Ireland*, or an affidavit, pleading or other legal document, filed or deposited in any such Court —the authenticated copy to be admissible in

evidence must purport either to be sealed with the Seal of the Foreign or Colonial Court, or Court of *Great Britain or Ireland*, to which the original document belongs; or in the event of such Court having no Seal, to be signed by the Judge, or if there be more than one Judge, by any one of the Judges of the said Court,—and such Judge shall attach to his signature a statement in writing on the said copy, that the Court whereof he is a Judge has no Seal; but if any of the aforesaid authenticated copies shall purport to be sealed or signed as hereinbefore respectively directed, the same shall respectively be admitted in evidence in every case in which the original document could have been received in evidence, without any proof of the Seal where a Seal is necessary, or of the signature, or of the truth of the statement attached thereto, where such signature and statement are necessary, or of the judicial character of the person appearing to have made such signature and statement.

III. Every Register of a Vessel kept under any of the Acts of the Imperial Parliament, relating to the registry of British Vessels, may be proved in any Court of Justice in this Island, or before any person having by Law or by consent of parties, authority to hear, receive, and examine evidence, either by the production of the original, or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the person having the charge of the original; and which person is hereby required to furnish such certified copy to any person applying at a reasonable time for the same, upon payment of the sum of two shillings and six-pence; and every such Register or copy of a Register, and also every certificate of registry granted under any of the said Acts relat-

Register of British vessels and certificates of Registry may be proved by production of original, or an examined or certified copy, &c.

Such Register, or copy, or certificate of Registry, to be

admissible as *prima facie* evidence of their contents, &c., without further proof.

ing to the registry of British Vessels, and purporting to be signed as required by Law, shall be received in evidence in any Court of Justice in this Island, or before any person having by Law, or by consent of parties, authority to hear, receive, and examine evidence, as *prima facie* proof of all the matters contained or recited in such Register, when the Register or such copy thereof as aforesaid is produced, and of all the matters contained or recited in, or endorsed on such certificate of registry, when the said certificate is produced.

Where necessary to prove conviction or acquittal of person charged, not necessary to produce record, but same may be certified under hand of the Clerk of the Court.

IV. And whereas it is expedient, as far as possible, to reduce the expense attendant upon the proof of criminal proceedings: Be it enacted, That whenever in any proceeding whatsoever it may be necessary to prove the trial and conviction or acquittal of any person charged with any indictable offence, it shall not be necessary to produce the record of the conviction or acquittal of such person, or a copy thereof, but it shall be sufficient that it be certified, or purport to be certified, under the hand of the Clerk of the Court, or other officer having the custody of the Records of the Court where such conviction or acquittal took place, or by the Deputy of such Clerk or other officer, that the paper produced is a copy of the record of the indictment, trial, conviction and judgment, or acquittal, as the case may be, omitting the formal parts thereof.

Examined or certified copies of public documents, &c., admissible in evidence in this Island in certain cases.

V. Whenever any book or other document is of such a public nature as to be admissible in evidence on its mere production from the proper custody, and no statute exists which renders its contents provable by means of a copy, any copy thereof or extract therefrom shall be admissible in evidence in any Court of Justice in this

Island, or before any person now or hereafter having by Law, or by consent of parties, authority to hear, receive and examine evidence, provided it be proved to be an examined copy or extract, or provided it purport to be signed and certified as a true copy or extract by the officer to whose custody the original is intrusted, and which officer is hereby required to furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable sum for the same, not exceeding one shilling for every folio of ninety words; save and except all grants, mandamuses, copies of grants, and other documents, in any way affecting the titles to Township Lands in this Colony, not registered therein.

VI. If any officer authorised or required by this Act to furnish any certified copies or extracts, shall wilfully certify any document as being a true copy or extract, knowing that the same is not a true copy or extract, as the case may be, he shall be guilty of a misdemeanour, and be liable, upon conviction, to imprisonment for any term not exceeding eighteen months.

Officer giving false certificate, guilty of a misdemeanor.

Punishment, on conviction.

VII. Every Court, Judge, Justice, Officer, Commissioner, Arbitrator, or other person now or hereafter having by Law, or by consent of parties, authority to hear, receive and examine evidence, is hereby empowered to administer an oath to all such witnesses as are legally called before them respectively.

Court, &c., may administer oaths to all witnesses legally called before them, &c.

VIII. If any person shall forge the seal, stamp, or signature of any document in this Act mentioned, or referred to, or shall tender in evidence any such document, with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be false or counterfeit, he

Persons forging seal, stamp, or signature of certain documents, or wilfully uttering same, guilty of felony.

**Punishment,  
upon conviction.**

shall be guilty of felony, and shall, upon conviction, be liable to imprisonment for any term not exceeding three years, nor less than one year, with hard labour; and whenever any such document shall have been admitted in evidence, by virtue of this Act, the Court or the person who shall have admitted the same may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded, and be kept in the custody of some officer of the Court, or other proper person, for such period, and subject to such conditions as to the said Court or person shall seem meet; and every person who shall be charged with committing any felony under this Act, may be dealt with, indicted and tried, and if convicted, sentenced, and his offence may be laid and charged to have been committed in the County, District or place in which he shall be apprehended, or be in custody; and every accessory before or after the fact to any such offence may be dealt with, indicted, tried, and if convicted, sentenced, and his offence laid and charged to have been committed in any County, District or place in which the principal offender may be tried.

**Offender may  
be tried, &c., in  
County in which  
he is apprehended  
or may  
be in custody.**

**How accessory  
indicted, &c.**

**Either party in  
a suit after  
plea, &c., may  
require opposite  
party to admit  
documents, &c.,  
intended to be  
given in evidence.**

**Mode of proceeding.**

**Summons before a Judge**

IX. Either party in any civil action in the Supreme Court of Judicature of this Island, may, after plea pleaded, and a reasonable time before trial, give notice to the other in the form in the Schedule hereunto annexed; marked (A), or to the like effect, of his intention to adduce in evidence certain written or printed documents; and unless the adverse party shall consent, by endorsement on such notice, within forty-eight hours to make the admission specified, the party requiring such admission may call on the party required by summons, in the usual form, to shew cause before a Judge why

he should not consent to such admission; or in case of refusal, be subject to pay the costs of proof; and unless the party required shall expressly consent to make such admission, the Judge shall (if he think the application reasonable), make an order, that the costs of proving any document specified in the notice (which shall be proved at the trial to the satisfaction of the Judge or other presiding officer, certified by his endorsement thereon), shall be paid by the party so required, whatever may be the result of the cause: provided, that if the Judge shall think the application unreasonable, he shall endorse the summons accordingly: Provided also, that the Judge may give such time for inquiry or examination of the documents intended to be offered in evidence, and give such directions for the inspection and examination, and impose such terms upon the party requiring the admission, as he shall think fit; and if the party required shall consent to the admission, the Judge shall order the same to be made; but no costs of proving any written or printed document shall be allowed to any party who shall have adduced the same in evidence on any trial, unless he shall have given such notice as aforesaid, and the adverse party shall have refused or neglected to make such admission, or the Judge shall have endorsed upon the summons that he does not think it reasonable to require it; and the Judge may make such order as he may think fit respecting the costs of the application, and the costs of the production and inspection; and in the absence of a special order, the same shall be costs in the cause.

may be taken out.

Judge may order the party refusing to admit documents, &c., to pay costs of proving same, whatever may be the result of the suit.

Judge may give time for inquiry or examination of documents, &c., and impose terms, &c.

No costs of proving documents, &c., to be allowed, unless party proving same shall have required adverse party to admit same, and been refused, &c.

Judge may order, as he thinks fit, respecting costs of application, &c.

How costs to stand, &c.

X. A copy of any grant of lands, or of any plan taken by any sworn Surveyor, or of any proceedings in Her Majesty's Council, respecting titles of lands, certified by the Registrar of

Copy of any grant of land, or of any plan, certified by the proper officer,

receivable in evidence.

Deeds and Keeper of Plans, Colonial Secretary, or Clerk of the Council of this Island, or other proper officer in whose custody the same may be, shall be received as evidence.

Recited proviso in section 1 of 12th Vic., cap. 4, repealed.

XI. So much of section one of the Act of the twelfth year of Her present Majesty, chapter four, as provides that the said Act shall not render competent any party to any suit, action or proceeding, individually named in the record, or any lessor of the Plaintiff or Tenant of premises, sought to be recovered in ejectment, or the Landlord, or other person in whose right any Defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part, is hereby repealed.

Parties to suits, to be admissible as witnesses therein.

XII. On the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action or other proceeding, in any Court of Justice in this Island, or before any person having by Law, or by consent of parties, authority to hear, receive, and examine evidence therein, the parties thereto, and the persons in whose behalf any such suit, action, or other proceeding may be brought or defended, shall, except as hereinafter excepted, be competent and compellable to give evidence, either *viva voce* or by deposition, according to the practice of the Court, on behalf of either or any of the parties to the said suit, action or other proceeding.

Nothing herein to compel persons charged with criminal offence to give evidence tend.

XIII. Nothing herein contained shall render any person who, in any criminal proceeding, is charged with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give

evidence for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall, in any criminal proceeding, render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband.

ing to criminate himself, or husband to give evidence against his wife in criminal cases, and *vice versa*.

XIV. Nothing herein contained shall apply to any action, suit, proceeding, or bill in any Court of Common Law, or in any Ecclesiastical Court, or in any other Court in this Island, instituted in consequence of adultery, or to any action for breach of promise of marriage.

Not to apply to proceedings in consequence of adultery, or to actions for breach of promise of marriage, &c.

XV. Nothing herein contained shall repeal any provision contained in chapter twenty-six of the statute passed in the Legislature of this Island, holden in the sixth year of the Reign of Her present Majesty Queen *Victoria*.

Nothing in this Act to be construed to repeal any provision of 6th Vic., c. 26.

XVI. It shall and may be lawful for the Judges or Judge of the Supreme Court of Judicature, or Court of Chancery, or for any Court of Commissioners for the Recovery of Small Debts, or for any Sheriff, or his lawful Deputy, before whom any writ of inquiry from the Supreme Court of Judicature shall be executed, in case it shall appear to him or them that any person has been guilty of wilful and corrupt perjury in any evidence given, or in any affidavit, deposition, examination, answer or other proceeding made or taken before him or them, to direct such person to be prosecuted for such perjury, in case there shall appear to him or them a reasonable cause for such prosecution, and to commit such person so directed to be prosecuted until the next Jury Term of the Supreme Court of Judicature for the County

Any Judge, Commissioner, &c., may direct a person guilty of perjury, in evidence, &c., to be prosecuted.

And commit party unless he enter into recognisance to



appear and  
take his trial,  
and bind per-  
sons to give  
evidence, &c.

within which such perjury was committed, unless such person shall enter into a recognizance, with one or more sufficient surety or sureties, conditioned for the appearance of such person at such next Jury Term of the Supreme Court; and that he will then surrender and take his trial, and not depart the Court without leave; and to require any person he or they may think fit to enter into a recognizance, conditioned to prosecute or give evidence against such person so directed to be prosecuted as aforesaid.

Act to go into  
operation on 1st  
June, 1853.

XVII. This Act shall come into operation on the first day of *June* in the present year.

Schedule (A.)

**Schedule (A) to which this Act refers.**

PRINCE EDWARD ISLAND, } In the Supreme Court of Judi-  
County. } cature.

*A. B. vs. C. D.*

Form of Notice  
to admit docu-  
ments, &c., in-  
tended to be  
given in evi-  
dence in a suit.

TAKE NOTICE, that the Plaintiff *or* Defendant in this cause, proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the Defendant, Plaintiff, his Attorney or Agent, at on between the hours of and and that the Defendant *or* Plaintiff will be required to admit that such of the said documents as are specified to be originals were respectively written, signed or executed, as they purport respectively to have been; that such as are specified as copies are true copies; and such documents as are stated to have been served, sent or delivered, were so served, sent or delivered respectively—saving all just exceptions to the admissibility of all such documents as evidence in this cause. Dated, &c.

*G. H.*, Attorney for Plaintiff *or* Defendant.

To *E. F.*, Attorney (*or* Agent) for Plaintiff *or* Defendant.  
[Here specify the documents, &c., required to be admitted.]

## CAP. XIII.

An ACT to enable the Government of this Island to take possession of Lands, when required to erect Lighthouses, and for other purposes connected with Lights and Beacons, and to pay compensation to the owners or occupiers thereof.

[April 16, 1853.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, as follows:—

I. Whenever the Government of this Island shall require any lands belonging to a private individual, for the purpose of erecting Lighthouses, Lights and Beacons, or for a way or road thereto, or for any other purpose connected therewith, it shall be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Executive Council, to nominate and appoint three Commissioners, not being interested parties, who, having previously given thirty days' notice thereof by advertisement in the *Royal Gazette* newspaper of this Island, shall proceed to examine the land so required, and to lay off the same by metes and bounds, which they are hereby authorized to do, and they shall make, or cause to be made, a plan and description thereof, to be recorded in the office of the Registrar of Deeds, as hereinafter mentioned.

When lands belonging to a private individual are required to erect a lighthouse, &c., &c.

Lieutenant Governor, &c., may appoint Commissioners to examine and lay off same, &c., &c.

II. The said Commissioners may make an agreement in writing with the proprietor of lands so taken for the amount of compensation to be paid to him as damages for the loss thereof, including the expense of fencing necessary,

Commissioners may agree with owner of land, as to amount of compensation to be paid therefor.

Agreement to be laid before Lt. Governor, &c., and, if approved of, confirmed.

where the land required, or part of the same, is to be used as a road or way to any other piece of land required to erect a Lighthouse upon, or for any other purposes connected with Lights and Beacons, and the same shall be laid before the Lieutenant Governor in Council, and if approved of by him shall be confirmed.

Proceedings to value lands, &c., where no agreement shall be made, or the same shall not be confirmed.

Statement of value, &c., by Commissioners, to be verified on oath.

Form of statement.

If Lt. Governor, &c., approve of same, he will cause a plan of the land to be recorded.

And lands shall vest absolutely in the Crown.

Amount of valuation, &c., how paid.

III. Where no agreement shall be made, or if the same shall not be confirmed, then the said Commissioners shall, as soon as possible, submit to the Lieutenant Governor in Council a statement in writing of the appraised value of any lands so required, (which value they shall ascertain when first employed in examining and laying off the land as hereinbefore mentioned,) and of the damage which each owner or occupier thereof may sustain by the loss of the land, or any such expense of fencing, as in this Act referred to, and the said statement shall be verified on oath, to be sworn before any of Her Majesty's Justices of the Peace in this Island, and shall be in the form, or to some such purport and effect as that contained in Schedule (A) to this Act annexed; and in case the Lieutenant Governor in Council shall approve of such statement, he shall cause the plan and description of the land so required to be recorded in the office of the Registrar of Deeds in this Island, and the same land shall thereupon become vested in fee simple absolutely in the Crown for such purposes, and the Lieutenant Governor in Council shall direct the amount or amounts of money set forth in such statement to be paid to the party or several parties entitled to receive the same, on application within fourteen days after the recording of the description and land, by warrant or warrants, on the Treasurer of this Island.

IV. If the Lieutenant Governor in Council do not approve of the statement of value or damages made by the said Commissioners, he shall cause the same forthwith to be notified to the owner or occupier thereof.

Where Lt. Governor in Council disapproves of statement, same shall forthwith be made known to owner, &c.

V. The amount of the valuation shall be paid to the respective owners, proprietors or occupiers of the land so required, on their applying for the same; and it shall be lawful, upon tendering such payment, to enter thereon forthwith, and if any of them refuse to accept, or shall not appear to claim the same, then, and in such case, the same shall remain in the Treasury of this Island, to their use when applied for:

When amount of valuation, &c., to be paid to the owner, &c., of land.

After tender of payment entry may be made.

In case of refusal to receive same, &c., it shall remain in the Treasury.

Where a proprietor, owner or occupier is a minor, the valuation shall be paid to his guardian, and if he has no guardian, into the Treasury, for his use when he comes of age: If the proprietor, owner or occupier is tenant in tail or for life, with remainders over or otherwise, the same shall be paid to him, the tenant in tail or for life; and where, from the mode in which any land may have been settled, devised or conveyed by any former owner or proprietor thereof, any difficulty exists in ascertaining in whom the absolute title to the land vests, where the present owner or occupant has not power to convey the same absolutely in fee simple, then payment of the appraised value thereof shall be made to such persons and in such manner as the Commissioners, on being required to do so, shall point out and direct.

Payment to be made to the guardian of an infant owner.

To whom payment to be made, where the owner is tenant in tail or for life, &c.

To whom, and how payment to be made in cases where it is difficult to ascertain in whom the absolute title vests.

VI. If the owner, occupier or proprietor of any such land shall be dissatisfied with the amount awarded to be paid to him by the said Commissioners, under the authority of this Act, he shall be at liberty, within six weeks after the same shall have been notified to him, to enter

If the owner or occupier of any such land shall be dissatisfied with the amount awarded, he may appeal to Supreme Court.

Notice of appeal.

When appeal to be heard.

If Supreme Court think justice has not been done, it may order the Sheriff to summon a jury;

who being sworn, shall view and value the land, and return a verdict thereof to the Court, which shall be final.

Should the value or damages not amount to a greater sum than originally fixed by the Commissioners, the expense of the jury shall be borne by the appellant.

And levied by execution, as in other cases.

an appeal against the same in the Supreme Court of Judicature of this Island — notice whereof shall be given in writing to the Attorney General, or in his absence, to the Solicitor General, and such appeal shall be heard by the said Supreme Court at the term thereof, which shall be holden next after the entering of the appeal, in the County wherein the land is situate; provided such appeal is entered, and notice thereof given at least twenty-one days before the commencement of the term; but if the same is not given within such last mentioned period, then the hearing of such appeal shall not take place until the second term after the entering and giving notice thereof; and if after hearing such appeal, it shall appear to the said Court that justice has not been done, it shall and may be lawful for the Court to order the Sheriff of the County to summon a jury of twelve persons, and the Sheriff shall accordingly, having given notice thereof to the appellant, summon a jury of twelve freeholders, who, after being sworn by the Sheriff, shall view the land, and ascertain the value thereof, and the damage the appellant may suffer by being deprived of the same, and they shall return their verdict in writing, under their hands and seals, to the Supreme Court, which shall be final and conclusive, and become a record of the Court.

VII. Should the verdict of a jury, that may be summoned as aforesaid, after such an appraisement of value or damages by the Commissioners, as aforesaid, shall have taken place, not amount to a greater sum than that originally fixed by the Commissioners, then and in every such case the expense of the jury, so ordered, shall be borne by the party or parties appellant; and which expense may be levied by execution issued out of the Supreme Court on the record

to be made up therein on the verdict, as in other cases of execution, that is to say, by *feri facias* statute execution, or *capias ad satisfaciendum*, at the option of the appellee or Government of this Island; and if the amount of the verdict shall be greater than the sum so originally fixed, then the expenses of the jury shall be paid equally by both parties, appellant and appellee, and the proportion to be paid by the appellant may be levied by execution, in same manner as in this section before set forth.

If amount of verdict be greater than the original sum fixed, the expenses of the jury to be paid equally by both parties.

VIII. Each Commissioner, appointed by the Government to value any land as aforesaid, shall be entitled to the following sums:—

Fees, &c., of Commissioners.

For every mile travelled, six-pence.

For estimating value or damages, ten shillings.

For drawing and making the statement or return to the Governor in Council, each, three shillings and four-pence.

The amount of fees to be paid to the Prothonotary, Sheriff and Jurors, and other officers employed under this Act, shall be the same as is set forth and contained in the table of fees forming part of section twenty-eight of the Act of the fourteenth year of the reign of Her present Majesty Queen *Victoria*, chapter one, intituled *An Act to regulate the laying out and altering of Highways*, and none other or greater.

Fees, &c., of Prothonotary, Sheriff, Jurors, and other officers under this Act.

14 V., c. 1, s. 28.

IX. Nothing herein contained shall have any force or effect until Her Majesty's pleasure therein shall be known, and notification of Her Majesty's assent thereto shall have been published in the *Royal Gazette* newspaper of this Island.

Suspending clause.

## Schedule (A.)

**Shedule (A) to which this Act refers.**

FORM OF OATH TO BE ANNEXED TO THE RETURN TO BE MADE TO GOVERNMENT BY THE PERSONS APPOINTED TO VALUE THE LAND AND ASSESS THE AMOUNT OR DAMAGES TO BE PAID TO THE OWNER, OCCUPIER OR PROPRIETOR OF LAND REQUIRED FOR THE PURPOSES OF THE WITHIN ACT.

Form of oath to be annexed to return of value, &c., made by Commissioners.

We, *A. B.*, *C. D.* and *E. F.*, having carefully examined the damage that the owners, occupiers or proprietors of the piece of land required for (*here state purpose for which same is required.*) will sustain, according to their several and respective estates and interests therein, and the value thereof, do estimate the said value and damages as follows:—To (*J. K., as the case may be.*) the sum or sums of pounds;  
To (*L. M., as the case may be.*) the sum of pounds.  
Sworn before me,  
this day of

*A. B.,*  
*C. D.,*  
*E. F.*

## CAP. XIV.

An ACT relating to the mode of proceeding against Lands on the several Townships in *Prince Edward Island*, and the Islands contiguous thereto, for the recovery of arrears of Land Assessment.

[April 16, 1853.]

Preamble.

11 V., c. 7.

WHEREAS by the fourth section of the Act of the eleventh year of the reign of Her present Majesty Queen *Victoria*, chapter seven, intituled *An Act for levying further an Assessment on all Lands in this Colony, and for the encouragement of Education*, it is enacted that all informations to be filed against any lands in arrear, as therein mentioned, should be against the same as in said Act classified, that is to say, that one information only should be filed against all the lands in arrear on each of the Townships in this Island, and one information only against

all lands in arrear on each Island not included in any such Township; and that all further proceedings which should or might be had or taken by virtue of said Act against any lands so in arrear, down to final judgment, inclusive, should follow the course of the said information against the said lands as therein classified: And by the second section of the Act of the twelfth year of the reign of Her present Majesty Queen *Victoria*, chapter seven, intituled *An Act to explain and amend the present Act for the Assessment of Land, and the encouragement of Education*, after making some amendments of the said first recited Act, with reference to the mode of proceedings against lands in arrear of Land Assessment imposed thereby, it is enacted, "That the judgment to be given against such lands in arrear, and all future and other proceedings thereon or thereunder, should be given and conducted in the manner prescribed in the said Act of the eleventh year of the reign of Her present Majesty Queen *Victoria*, chapter seven; and by the forty-seventh section of the Act passed in the fifteenth year of the reign of Her present Majesty Queen *Victoria*, chapter thirteen, intituled *An Act for the encouragement of Education, and to raise funds for that purpose by imposing an additional Assessment on Land in this Island, and on Real Estate in Charlotte-town and Common and Georgetown and Common*, it is amongst other things enacted, that proceedings for the recovery of the Tax or assessment thereby imposed on the several lands as thereinbefore mentioned, (which includes the said Township Lands and Islands), should or might be concurrent and taken together with and in like manner as the proceedings for the recovery of the tax imposed by the said Act of the eleventh *Victoria*, chapter seven, on the same. And whereas it is advisable that one

12 V., c. 7, s. 2.

11 V., c. 7.

15 V., c. 13,  
s. 47.

11 V., c. 7.



information only should be filed for each County against all the lands in arrear, on the several Townships therein together, of the said taxes or assessments, or either of them, and one information only for each County against all the lands in arrear therein on the several Islands together, belonging to such County, not included in such Townships, and not that a separate information should be filed, and judgment taken against each Township or Island for the recovery of Assessment in arrear, in respect of land therein respectively, as has of late been done, and which course is productive of unnecessary expense: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:—

One information only to be filed for each County against all the lands in arrear on all the several Townships therein together.

Also, one information only to be filed for each County against all the lands in arrear on the several Islands belonging thereto together.

I. All informations which shall or may after the passing of this Act be filed against any lands on the Townships in this Island, and the Islands not included in such Townships, in arrear of the Taxes or Assessments, or either of them, imposed thereon by the said Act of the eleventh year of the reign of Her present Majesty Queen *Victoria*, chapter seven, and by the said Act of the fifteenth year of the reign of Her present Majesty Queen *Victoria*, chapter thirteen, either together or separately, for the recovery of the same, shall be as follows, that is to say, one information and one only shall be filed for each County in this Island against all the lands in arrear on all the several Townships therein together; and one information and one only shall be filed for each County in this Island against all the lands in arrear on all the several Islands therein together, not included in such Townships, that is to say—all lands in arrear on all the Townships in any County in this Island shall be included in one information, and all the lands in arrear on all the Islands therein

shall be included in one other information, and so with respect to the other Counties, and all the proceedings which shall or may be taken by virtue of this Act, or any of the Acts hereinbefore mentioned, against any such lands so in arrear, down to final judgment, shall follow the course of the said information against the said lands, that is to say—there shall be one judgment only on each information, and the costs thereon shall be made up, taxed and divided proportionably to the quantity of lands in arrear on each Township, amongst the several Townships and Islands included in any proceedings, in manner as pointed out in the said Act of the eleventh year of the reign of Her present Majesty Queen *Victoria*, chapter seven, save where amended or controlled by the fifth section of this Act; and all future and other proceedings thereupon or thereunder shall be given, and be conducted in the manner prescribed in the said hereinbefore mentioned Acts, or either of them.

Proceedings to final judgment to follow course of information against lands.

How costs to be divided, &c.

11 V., c. 7.

Mode in which subsequent proceedings, &c., are to be taken.

II. The mode and forms of proceedings against the several Lots and parts of Lots in arrear of the Taxes or Assessments imposed by the said Acts hereinbefore in this Act mentioned, or either of them, in each of the Towns in this Island, Town Lots and Water Lots inclusive, and in each of the Royalties in this Island, Pasture, Common, and all other description of Lots inclusive, shall remain unaltered, and be in manner as pointed out and declared in and by the said Act of the eleventh *Victoria*, chapter seven, twelfth *Victoria*, chapter seven, and fifteenth *Victoria*, chapter thirteen, or either of them, and shall not in any way be affected or changed by any of the provisions, recitals or declarations in this Act contained, relative to proceedings against the lands in arrear on the

Forms, &c., of proceedings against lots, &c., in the several Towns, Commons and Royalties, to be as heretofore.

11 V., c. 7.

12 V., c. 7.

15 V., c. 13.

Townships in this Island and Islands contiguous thereto, as aforesaid.

III. And to prevent any doubts or difficulties which may arise from the wording of the said Act of the eleventh year of the reign of Her present Majesty Queen *Victoria*, chapter seven, as amended or explained by this Act, be it further enacted by the authority aforesaid, that all proceedings heretofore had or taken under the said Acts hereinbefore mentioned, or either of them, against lands in arrear on any of the Townships in this Island, or Islands not being part of said Townships, shall be, and the same are hereby confirmed, and shall be taken to be good and valid, although the informations may have been filed against each Township or Island separately, and the subsequent proceedings taken in the same course, any construction of law, or any thing in this or either of the Acts hereinbefore mentioned contained, to the contrary notwithstanding.

IV. Any person owning or occupying land in this Island within any Town, Common or Royalty, or on any Township or Island, or Reserved Lands, against which proceedings have been taken for the recovery of arrears of Assessment due thereon, shall be entitled to stay the proceedings against the land owned or occupied by him at any time before the day of sale, by paying or tendering payment of a proper proportion of the costs and expenses of the proceedings up to the day of payment or tender, according to the extent of his land, and also the Tax or Assessment due thereon, the same to be paid to the Sheriff after execution issued, or if before execution, to the officer in whose hands the proceedings may be, or who, at the time should properly receive the same, and the

All proceedings taken under recited Acts for recovery of arrears of Land Assessment confirmed, whether the informations have been filed against each Township separately or otherwise.

Owner, &c., of land against which proceedings for the recovery of arrears of Land Assessment may be taken, entitled to stay same on tendering amount of tax and proportion of costs, &c.

Sheriff or other officer having charge of the proceedings on application made to him by any such person as aforesaid, desiring to redeem his land, shall give to the applicant the particulars of the amount to be paid by him.

Sheriff, &c., to furnish to applicant particulars of the amount to be paid.

V. Where the lands comprised in any one information filed under this Act, or any of the said recited Acts, for the recovery of arrears of Tax or Assessment due thereon, shall not exceed five hundred acres, then and in such case the costs to be taxed thereon shall not exceed the sum of three pounds, including the Attorney General's, the Prothonotary's and Judge's fees, and other costs of Court, any thing in this or any other Act of the General Assembly of this Island, to the contrary notwithstanding.

Amount of costs to be taxed where lands included in any information shall not exceed 500 acres.

VI. In proceedings to be had or taken under this or any of the said recited Acts, the fees and allowances hereafter to be paid or demanded by the Sheriff, Under Sheriff or Coroner, shall not be greater than are hereinafter set forth, that is to say:

Fees to be taken by Sheriff, &c., under this Act.

Sheriff or Coroner, &c., for every deed, ten shillings;

For every additional tract of land on the same Township, described and conveyed in the same deed, five shillings;

For every additional Town, Common, Water or Pasture Lot, beyond the first described, and conveyed in the one deed, five shillings;

For making levy under execution, two shillings and six-pence;

Poundage, five *per centum* on amount of levy; travelling per mile to be computed from the Court House in the County where the lands are situate to the place where the levy is

made and back again, but in no case shall any more miles be charged for than he can make it to appear he has actually travelled, and only one journey to be allowed, four-pence;

If it be necessary for the Sheriff or other officer to go to *Charlottetown*, to search the Land Assessment Books in the Treasurer's Office, he shall be allowed to charge for mileage from his place of residence to *Charlottetown*, and back again to make such search, at the same rate as before, that is to say, each mile (but only one journey to be allowed), for all lands in arrear in the County, four-pence;

Printer's fees for advertising, &c., as heretofore accustomed.

Fees to Sheriff  
under this Act  
to be in lieu of  
those allowed  
by former Acts.

VII. The foregoing allowances and fees to the Sheriff, Under Sheriff or Coroner, shall be taken in lieu of those heretofore allowed by any of the said recited Acts, or any other Act of the General Assembly of this Island, now in force.

## CAP. XV.

An ACT relating to the Packet service  
between *Bedeque* and *Shediac*.

[April 16, 1853.]

Preamble.

15 V., c. 6.

WHEREAS the Licensee of the Government Packet, established between *Bedeque*, in this Island, and *Shediac*, in *New Brunswick*, under and by virtue of the Act passed in the fifteenth year of the reign of Her present Majesty, intituled *An Act to facilitate the intercourse between this Island and the Provinces of*

Nova Scotia and New Brunswick, hath lately signified to the Government of this Island his willingness to surrender and cancel his license, and to be released from his contract in respect thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows:—

I. It shall be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Executive Council, to take a surrender of the license granted under the said Act to run a Packet between *Bedeque* and *Shediac* from the present holder thereof, and to cancel the same, and to discharge the Licensee from the conditions thereof, and to call for new tenders for running such a Packet between the said Ports, and to grant a license therefor from time to time when required, in all respects subject to and in accordance with the provisions of the said recited Act in relation thereto, or regulating the same.

Surrender of license to run Packet between Bedeque and Shediac, under 15 V., c. 6, permitted to be taken.

And new license granted.

II. There shall be granted, during the continuance of the said recited Act, and paid out of the public Treasury of this Island, by warrant, under the hand and seal of the Lieutenant Governor, to the person who shall be licensed to run a sailing Packet between *Bedeque* and *Shediac* aforesaid, an annual sum, not exceeding thirty pounds, during the continuance of his license—the one-half of which payment shall be made on the first *Thursday* in *August*, and the remainder at the closing of the navigation in each year: Provided always, that the Licensee, before any such payments be made, shall satisfy the Lieutenant Governor in Council that he has fully complied with the conditions of his license.

The sum of £30 per annum to be paid to the person who shall be licensed to run a sailing Packet between Bedeque and Shediac.

When and how payment to be made.

Proviso.

The former grant of £50 per annum for such Packet repealed.

III. The grant of eighty pounds annually to the person licensed to run the said Packet between *Bedeque* and *Shediac* aforesaid, given by the third section of the said recited Act of the fifteenth *Victoria*, chapter sixth, shall be, and the same is hereby repealed.

## CAP. XVI.

### An ACT to incorporate the *Newfoundland and Prince Edward Island Electric Telegraph Company*.

[April 16, 1853.]

Preamble.

**W**HEREAS the construction of lines of Electric Telegraph between the various Towns and Points of *Prince Edward Island*, to be extended by submarine cables to the Province of *New Brunswick* and the Island of *Newfoundland*, would be of great advantage, and it is deemed advisable to extend encouragement to such persons as may erect and maintain such lines, by granting them an Act of Incorporation for that purpose; therefore, be it enacted by the Lieutenant Governor, Council and Assembly, as follows:—

Proprietors of shares created a Corporate body.

Name of Company.

I. *Frederic N. Gisborne*, and all persons who shall become proprietors of shares for the purpose of establishing a Company to carry into effect the provisions of this Act, and their successors and assigns, shall be, and they are hereby created a body corporate and politic, by the name of the *Newfoundland and Prince Edward Island Electric Telegraph Company*, and by that name may have a common Seal, and sue, and be sued, and may hold land and

goods, and let, sell, assign and convey the same or any part thereof.

II. The capital or joint stock of the said Company shall be three hundred thousand pounds, in three thousand shares of one hundred pounds each, and the Shareholders shall be individually liable for no more than twenty-five pounds per share over and above the full paid up amount of every such share held by them respectively, and the Company may sue for and recover the amount of any shares or instalments not paid in conformity with the by-laws; provided always, that nothing herein contained shall be construed to exempt the joint stock of the said Corporation from being liable for, and chargeable with the debts and engagements of the same.

Capital of Company and liability of Shareholders.

III. So soon as five hundred shares of the said Capital Stock shall be subscribed, the Stockholders may meet at such time and place, and upon such notice as a majority of them shall appoint, and at such meeting a Board of Directors, of thirteen Stockholders, owning at least two shares each of the Capital Stock, shall be chosen, which Board of Directors shall choose from among themselves a President and Vice President, and any five of such Directors, of whom the President or Vice President shall be one, shall be a quorum for the transaction of business; and such Board of Directors shall appoint a Secretary and other officers and servants, and fix their salaries, and shall frame by-laws for regulating and managing the affairs of the Company, provided no by-laws shall be repugnant to this Act, or any law or statute of this Colony.

When and in what manner Board of Directors of be chosen.

Constitution and powers of Board.

IV. The said Board of Directors shall commence operations, and continue in office until

A meeting of the Board to be held on the first



Monday in July  
in every year.

the first *Monday* in *July*, one thousand eight hundred and fifty-three, on which said *Monday* of *July*, and on the first *Monday* in *July* in every succeeding year, there shall be a general meeting of the Stockholders at such Town or place as a majority of the Shareholders may name, fourteen days notice thereof having been given in two of the public Newspapers of such Town or place, at which meeting the Board of Directors for the past year shall exhibit a full statement of the affairs of the Company; and the meeting shall thereupon proceed to audit the accounts, declare a dividend, elect a Board of Directors for the ensuing year, amend or annul any by-law, or make any new by-law, and transact such other business as may then be brought before them; and all Boards of Directors, so appointed, shall have the like powers with the Board of Directors first above mentioned.

Objects and  
purposes of  
such annual  
meetings.

Board of Directors  
to be annually  
elected to  
have the like  
powers with the  
first Board.

Shares in the  
Capital Stock  
to be liable to  
attachment and  
execution.

Mode of pro-  
ceeding against  
Stockholder.

V. The shares in the Capital Stock of the said Company shall be deemed personal property, and shall be liable to attachment and execution, in like manner as other personal property now is, and the process or warrant in such case shall be served on the President or Vice President of the Board of Directors, or the Secretary, or other principal agent of the said Company, resident in *Prince Edward Island*, and such service shall render the share or shares of any Stockholder liable to the extent of such attachment or execution issued against him; and that for the purpose of ascertaining the number of shares held by any Shareholder against whom any attachment or execution may have issued, such President or Vice President, Secretary or other principal Agent, as aforesaid, or any Director or Officer of the said Company, may be examined in like manner as

any third person, having in his or her possession any goods, moneys, debts or effects of any defendant, may now be examined, and upon the sale by the Sheriff of any such shares under any execution, such Secretary or other principal Agent of the said Company, as aforesaid, shall, on production of a bill of sale from the Sheriff, transfer the number of shares by him sold under such execution to the purchaser or purchasers thereof, and such transfer shall be valid and effectual to all intents and purposes: Provided always, that the proceeds of such sale shall be subject and liable in the first instance to any debt that may be due from such Shareholder to the said Company.

On sale of shares by the Sheriff, the proceeds thereof to be liable in the first instance to any debt due to the Company.

VI. The said Company may construct and complete a main or trunk line of Magnetic Electric Telegraph from *East Point, via Charlottetown*, towards *Cape Traverse*, and may also construct such lines and branch lines as they may consider desirable.

Powers of said Company.

VII. The Company may erect the said lines of Telegraph along the side of any public highway, provided they do not interfere with the right of travelling thereon, and may enter into any lands, and survey and set off such parts thereof as may be necessary for the lines of Telegraph; and in case of disagreement between the Company and any owner or occupier of lands, which the Company may take for the purpose aforesaid, or in respect to any damage done to the same by entering the lines thereon, the Company and such owner or occupier, as the case may be, shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision of any two of them in writing shall be final, and if said owner or occupier, or the Agent of the said Company, shall neglect

The Company may use side of Public Highways, and may also enter upon private lands, for purposes of the Telegraph.

In case of disagreement between Company and Owner, &c., of lands, as to damage sustained, the matters in dispute to be referred to arbitration.

or refuse to choose and appoint an arbitrator within four days after notice in writing to him from the opposite party, or if such two arbitrators, when duly chosen and appointed, shall disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Colonial Secretary for the time being, to nominate any such arbitrator, or such third arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided.

Administrator of the Government to have a preference in using lines of Telegraph to private individuals, but rate of charge, not to be higher.

Messages of private individuals to be transmitted without preference.

Scale of charges

VIII. The Governor or Administrator of the Government shall have—at all times in preference to all others—the right of using the lines of Telegraph to be established by the said Company for the transmission of messages relating to the public service; and the rates of charges therefor shall not exceed the charges made to private individuals; and the said Company shall at all times transmit the messages of private parties without preference or delay, subject to a scale of charges, which shall not exceed in any case a rate of two shillings for ten words for each hundred miles.

Penalty on persons wilfully interrupting the free use of Telegraph line, &c.

How recoverable.

IX. Any person wilfully interrupting the free use of any Telegraph line established by the said Company, or works connected therewith, shall be subject to a penalty of not less than two pounds, nor more than twenty pounds, to be recovered by any person informing and suing for the same, in a summary way, before one or more Justices of the Peace, and to be levied by a warrant of distress and sale of the offender's goods and chattels; one-half whereof shall go to the party suing for the same, and the other half to be applied to the public use of the Colony; and in default of goods and chattels to satisfy such warrant, every such offender shall be committed to jail by such Justice or

Justices for any period not exceeding twenty days; and if any person shall wilfully or maliciously obstruct or damage any such Telegraph line, works, building or machinery connected therewith, he shall be guilty of misdemeanor, and the Court before whom the offender shall be convicted, shall have power to cause such person to be punished accordingly.

X. And be it enacted, That so soon as the Electric Telegraph shall have been completed between *Cape Traverse* and *Cape East*, and connected therefrom by submarine cables with *New Brunswick* and *Newfoundland*, it shall and may be lawful for the Governor or Administrator of the Government, to issue grants under the Great Seal of this Island to the said Corporation, for one thousand acres of unoccupied land on Lot fifty-five, subject, nevertheless, to the usual taxation attendant upon the possession of wild lands in this Island, and the right of the public to construct any road in and over the said lands, or any of them, as to the Governor or Administrator of the Government, with the advice of the Council, may seem just and reasonable.

Governor, &c., empowered to grant 1000 acres of land and Corporation on certain conditions.

XI. Unless one-half at least of the Capital or Joint Stock of the said Company shall be subscribed and effected, and operations commenced for the building and laying down of the said line of Telegraph, within one year and a half from and after the passing of this Act; this Act, and every thing herein contained shall cease to have any force or effect, and every clause, matter and thing herein contained shall thenceforth be utterly null and void.

This Act to cease in one year and a half, unless one half at least of the Capital shall be subscribed, and operations for laying down line of Telegraph commenced.

XII. All wires and materials required for the use of main and branch lines of Telegraph shall and may be imported free of duty.

Materials for use of Telegraph to be imported free of duty.

Stockholders  
may vote by  
proxy.

XIII. All Stockholders resident within this Colony or elsewhere, may vote by proxy, upon production of sufficient authority, in writing, from their constituents so to act.

Shares in the  
Capital Stock,  
&c., to be trans-  
ferable as per-  
sonal Estate.

No transfer to  
be valid until  
registered.

Stockholders  
on transferring  
his shares to  
cease to be a  
member, but  
liable for cer-  
tain debts of  
Corporation.

XIV. All and every the shares in the Capital Stock of the said Company, and in all profits and advantages thereof, shall be deemed to be personal estate, and shall be transferable as such according to the rules and regulations to be established in that behalf: Provided always, that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose; and provided also, that whenever any Stockholder shall transfer in manner afore-said, all his stock or shares in the said Company to any person or persons, such Stockholder shall cease to be a member of the said Corporation, but such Shareholder shall nevertheless be liable in manner and to the extent hereinbefore provided, for any debts or liabilities of the said Corporation incurred or subsisting at the time of any such transfer.

An abstract of  
Accounts, &c.,  
of Company to  
be transmitted  
to the Office of  
the Colonial  
Secretary in the  
month of Janu-  
ary, annually.

XV. That the said Company shall, in the month of *January* in each year, during the continuance of this Act, transmit to the office of the Colonial Secretary of this Island, a full abstract of the accounts and proceedings of the said Company for the then past year, for the information of the Lieutenant Governor and Her Majesty's Executive Council, and of the General Assembly.

This Act to be a  
public Act.

XVI. This Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of, and shall have the effect of a public Act, without being specially pleaded.

## CAP. XVII.

An ACT to amend the Act regulating the Public Wharf at *Georgetown* and other Wharfs.

[April 16, 1853.]

**B**E it enacted by the Lieutenant Governor, Council and Assembly, as follows:—

I. The eighth section of the Act passed in the seventh year of the reign of Her present Majesty Queen *Victoria*, chapter the fifteenth, intituled *An Act for the regulation of the Public Wharf of Georgetown and other Wharfs*, and also so much of the thirteenth section thereof as relates to the salaries of the Wharfingers named therein, and regulates the mode in which they shall account for and pay over all wharfage dues and rates received by them, and the appropriation thereof, shall be, and the same are hereby respectively repealed.

Repeals 8th  
Sec. and part of  
13th Sec. of Act  
7th Vic. cap.15.

II. Every Wharfinger appointed under the provisions of the said recited Act, shall quarterly, in each and every year, furnish on oath a detailed account of, and pay over to the nearest Collector of Impost to the wharf of which he is Wharfinger, all such sums of money, rates and dues for wharfage as he may receive, and each Wharfinger, so appointed, shall receive and be paid as a Salary for his services, the sum of fifty *per centum* on all moneys, rates or dues, so received by him under the provisions of the said recited Act—which *per centage* shall be paid by the Collector or Collectors, with and to whom such Wharfinger shall account for and pay over said wharfage money, rates and dues, at the time of each accounting and paying over.

Every Wharf-  
inger shall  
quarterly in  
each year fur-  
nish on oath a  
detailed Ac-  
count, and pay  
to the nearest  
Collector such  
sums, &c., as he  
may receive.

Collectors to account quarterly to the Treasurer for all Wharfages, &c.

III. The several Collectors of Impost throughout this Island shall quarterly account for and pay over to the Treasurer of this Island all such sums of money as may be received by them under the provisions of this Act, in the same way and manner as other moneys received by them as such Collectors of Impost now are by Law, or hereafter may be accounted for and paid over by them, without being entitled to any commission or *per centage* thereon, and to and for the use of Her Majesty's Government thereof.

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## CAP. XVIII.

An ACT for the purchase of Lands on behalf of the Government of *Prince Edward Island*, and to regulate the sale and management thereof, and for other purposes therein mentioned.

[April 16, 1853.]

Preamble.

**W**HEREAS it would conduce much to the prosperity of this Island if the tenantry thereof were enabled to convert their leasehold tenures into freehold estates, at an easy rate, and on fair terms, and the wilderness and unoccupied lands were made more readily attainable for settlers than at present is the case: And whereas, in order to effectuate such desirable purpose, it will be necessary to purchase the fee simple and reversion of the said Lands from the proprietors thereof, and to sell the same to the tenants now occupying the same, or otherwise, as the circumstances of the case may require, and from time to time, when required, and as purchases may be made to raise sufficient

sums of money therefor, on the credit of the Government, and to regulate the mode of raising and applying such money and the repayments thereof, and of selling and managing Lands so to be purchased: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows :—

I. That after this Act shall go into operation, it shall be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Executive Council of this Island, from time to time, to cause advertisements to be published in the *Royal Gazette* Newspaper of this Island, calling for tenders for the sale of Township and other Lands to the Government of this Island, such tenders to be required to contain full particulars and descriptions of the Lands offered for sale, and to be accompanied by plans and surveys thereof, and abstracts of title, and to state the number of acres offered for sale, and the quantity tenanted and untenanted, wilderness and improved Lands, the names and tenures of the different tenants or occupants, rents, and other sums of money payable therefor, mortgages and other incumbrances (if any) affecting the Lands offered for sale, and all other necessary information respecting the same.

Lieutenant Governor to advertise for tenders for the sale of Township and other lands to the Government.

What particulars tenders shall be required to contain.

II. If, after the receipt and consideration of any such tenders as aforesaid, the Lieutenant Governor, with the advice aforesaid, shall deem it advisable to treat with any of the parties tendering for the purchase of Lands tendered for sale, he may, with the like advice and consent, appoint a fit and proper person to negotiate the same, and all future tenders to be made, and to hold, manage, and dispose of the Lands to be purchased under this Act, for and on behalf of

After receipt of any such tender, Lieutenant Governor may appoint a person to negotiate same and future tenders, and to hold and manage lands purchased on behalf of the Government.



the Government of this Island, for the purposes, and subject to such rules, regulations and restrictions, as are hereinafter set forth and contained, concerning the same ; and such person, so to be appointed as in this section mentioned, and his successors in office, shall have the name and style of "The Commissioner of Public Lands," and as such, he and his successors in office, appointed as hereinafter mentioned, shall, for the purpose of holding Lands, and doing other necessary acts and things under this Act, have perpetual succession, and a seal peculiar to the office.

Who shall be styled "The Commissioner of Public Lands."

And with his successors shall have perpetual succession, and a peculiar seal, &c.

No tender to be received for the sale of any quantity under 1000 acres, nor wherein the aggregate price of lands exceeds 7s. 6d. per acre.

III. No tender for the sale of any less quantity of Land than one thousand acres by any person, or wherein the aggregate price of the lands offered for sale, cultivated and uncultivated together, shall exceed the sum of seven shillings and six-pence, of lawful money of this Island, per acre, shall be entertained or accepted.

Lieutenant Governor may displace any person so appointed Commissioner of Public Lands, &c.

IV. It shall be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Executive Council, from time to time to displace any person so appointed "The Commissioner of Public Lands," and to appoint another in his place, and in case of any vacancy occurring from death, resignation, removal, or otherwise, to appoint another person to fill up such vacancy.

Duty of Commissioner on any tender being referred to him.

V. It shall be the duty of such "The Commissioner of Public Lands," from time to time, when any such tender for the sale of lands shall be referred to him by the Lieutenant Governor in Council, to examine into the same, and the descriptions and particulars thereof, and to investigate, or cause to be investigated, the title

of such lands, and he shall make a report of the result of such examination and investigation to the Government; and if the Lieutenant Governor, by and with the advice and consent of Her Majesty's Executive Council, shall, after receiving such report, approve of a purchase being made, and such approval shall have been duly notified to "The Commissioner of Public Lands" in writing, under the hand and seal of the Lieutenant Governor, directed to him, then "The Commissioner of Public Lands" shall be, and he is in such case hereby authorized and empowered, on behalf of the Government of this Island, to contract for and purchase the Lands tendered for sale, and to enter into all necessary agreements therefor, in writing or otherwise, and to take deeds and conveyances thereof to himself and his successors in office, in trust to, and for the intents and purposes set forth in this Act, and in the form or to the effect in the Schedule (A) to this Act contained and set forth, or in any other form which he may think fit, or the circumstances of each case may render necessary or advisable; and all such Lands when so purchased and conveyed by and to the said "The Commissioner of Public Lands," under this Act, shall be held by him for such purposes, and subject to such powers, provisions, regulations and authorities, in every respect, as are set forth, contained and declared in and by this Act, concerning the same; and such deeds or conveyances shall contain all covenants usually given in such cases by the parties executing the same, according to the interest which the parties conveying have in the lands conveyed, or the capacity in which they hold or convey them, for assuring the title and peaceable possession of the same to "The Commissioner of Public Lands" and his successors in office, as aforesaid, in trust to, and for the intents and purposes set forth in

In what cases Commissioner authorised to purchase lands tendered, and to take conveyance thereof.

Form of conveyance.

Purposes, &c., for which lands are to be held by Commissioner.

Deed to him to contain usual covenants on part of vender.

Such deeds,  
&c., to vest  
legal estate,  
&c., in Com-  
missioner.

Rights of entry,  
&c.

Without pos-  
session thereof  
being formally  
given to him.

Commissioners  
may be appoint-  
ed to inspect  
lands offered for  
sale, and report  
thereon.

Allowance to  
Commissioners.

In case of dis-  
pute as to such  
allowance, same  
to be decided by  
the Lieutenant  
Governor in  
Council.

this Act ; and such deeds or conveyances shall be good and valid in Law and Equity to vest the Legal Estate and Fee Simple, Equity of Redemption, reversionary or other interest, of the party conveying, according to the tenure and nature of the estate purchased, rights of entry for conditions broken, and all other rights of entry, in the said "The Commissioner of Public Lands," and his successors in office, subject only to the provisions and directions of this Act, without any entry made thereon or possession given, any law, custom or usage to the contrary thereof, in any wise notwithstanding.

VI. In order to prevent any imposition being practised on the Government of this Island, it shall be lawful for the Lieutenant Governor, by and with the advice and consent of Her Majesty's Executive Council, if it shall be deemed necessary, to appoint one or more Commissioners, (but not to exceed three,) to examine and inspect Lands offered for sale, who shall, after a careful examination and inspection, make a report thereof to the Lieutenant Governor and Council, for their guidance ; and such Commissioners shall be paid the sum of four-pence each for every mile necessarily travelled by them in the performance of such their duties, and twenty shillings each *per diem* for each day they are necessarily absent on such inspection.

VII. In case of dispute, as to how many miles have been necessarily travelled, or days necessarily occupied by any such Commissioners in making any such inspection, as in the last preceding section of this Act mentioned, the same shall be decided by the Lieutenant Governor in Council, whose decision and order therein made shall be conclusive.

VIII. Where any Lands tendered for sale under this Act shall be subject to mortgages, or other incumbrances, the period for the payment of which has not expired, the same may be purchased and a conveyance thereof taken, subject thereto; and the Treasurer in such cases shall, and he is hereby authorized, out of moneys in his hands arising under this Act from time to time, to pay the interest moneys accruing due on such mortgages or incumbrances, and also the principal moneys of the same, when they become due, on the Mortgagee or other Incumbrancer giving a proper receipt therefor, or executing a release or discharge of his mortgage, incumbrance, claim or title, to "The Commissioner of Public Lands," and his successors in office, on behalf of the Government of this Island; and as in other cases of conveyance under this Act, and at the time of making a purchase of any Lands under this Act, if the same are taken subject to any mortgages or other incumbrances, "The Commissioner of Public Lands" shall be, and he is hereby empowered, to enter into, negotiate and make with the holders of such mortgages or incumbrances all such deeds and agreements respecting the same, or the payment and redemption thereof, as he may deem to be necessary and proper, subject to the approval of the Lieutenant Governor in Council, sufficient proof of which shall be the signature of the Lieutenant Governor on any such deed or agreement.

Lands may be purchased subject to mortgages, &c.

Treasurer to pay interest accruing due on same.

And also principal moneys of the same when they become due, on a receipt being given by the mortgagee or other incumbrancer.

Commissioner of Public Lands, on purchase of lands, may enter into agreements respecting redemption of incumbrances thereon.

Subject to the approval of Lieutenant Governor, &c.

IX. After each purchase of Lands effected under this Act, and conveyance taken, it shall be the duty of "The Commissioner of Public Lands," within three months, to make a report and return of the Lands purchased, (for each Township, a separate report and return); designating particularly the quality, nature,

Commissioner, within three months after purchase of lands, to make report, &c., respecting same.

Contents of report.

Lands to be  
classified.

How price of  
each class to be  
regulated.

description and position thereof, and arranging the same into classes; and it shall be lawful for, and the duty of the Lieutenant Governor, by and with the advice and consent of Her Majesty's Executive Council, thereupon to fix upon and determine the price to be charged for the sale of each class and description of Land—the same to be regulated so that a sufficient price be charged in the aggregate to cover all costs, charges and expenses of the purchase, transfer, survey and management of the Lands—the purchase money and interest thereon, loss to the general Revenue from decrease in the Land Tax, on account of Lands purchased under this Act, the salary of "The Commissioner of Public Lands," and all other expenses attendant upon the working of this Act—it being intended that this Act shall, if possible, be self-sustaining, and that all expenses and outlays shall be paid out of moneys arising from the sales and rents of Lands purchased hereunder, and that the purchase moneys and interest should also be repaid out of the same fund, without any resort to the general Revenue, if it can possibly be avoided; but that this object being attained, the Lands shall be disposed of to the tenants and other persons desirous of becoming purchasers, at as low a rate as possible.

Commissioner,  
after the pur-  
chase of any  
lands, to adver-  
tize the same  
for sale.

Requisites of  
advertisement.

Tenants to be  
notified to come  
forward, pro-  
duce docu-  
ments, &c., and  
state whether

X. After the purchase of any Lands afore-  
said "The Commissioner of Public Lands," shall  
advertize the same, and give notice in the *Royal  
Gazette* Newspaper, published in this Island,  
briefly and succinctly therein specifying and  
describing the Lands so purchased, and the ex-  
tent, boundaries and situation thereof, and noti-  
fying the tenants and occupiers to come forward  
at such time and place as shall therein be par-  
ticularly specified, and to produce their deeds,  
documents, receipts, vouchers, titles and agree-

ments, if they have any, and state whether they are able and willing to purchase their several locations, (which advertisements shall from time to time be continued as "The Commissioner of Public Lands" shall think proper and necessary), and any tenant who, by the production of any document or proof of any fact, shall satisfy "The Commissioner of Public Lands" of his claim from occupation or otherwise, to purchase any particular location or tract, and shall consent to do so at the price fixed therefor, as hereinbefore mentioned, and who shall, within six months after he shall so have come forward, or such further time as "The Commissioner of Public Lands" shall appoint, pay twenty *per cent.* of the purchase money, and also if "The Commissioner of Public Lands" shall require it, the sum of five shillings for the survey and description of his location or piece of land, which he claims to purchase, he shall be entitled to a conveyance thereof, in manner and form as hereinafter mentioned, subject to such conditions and reservations as may be deemed necessary, on his also paying to the said "The Commissioner of Public Lands" for preparing the conveyance and duplicate thereof, the further sum of five shillings, and no more.

they are able, &c., to purchase.

When tenant entitled to purchase.

Tenant substantiating his claim to purchase any tract, may do so at the price fixed, within six months after making claim, on paying 20 per cent. of the purchase money, &c.

Conveyance to be thereupon given of the land on further payment for the deed, &c.

XI. It shall be lawful for "The Commissioner of Public Lands," if he deem it advisable, to attend at the sales of Lands sold by the Sheriffs of the various Counties in this Island, for the non-payment of Land Assessment, or any other Public Tax imposed thereon by any Statute or Statutes of the General Assembly of this Island; and at such sales to bid for, and if need be, to purchase the same, and to take a conveyance thereof from the Sheriff making the sale, to himself and his successors in office, upon the same trusts, and for the same purposes as in

Commissioner may bid for lands sold by the Sheriff for non-payment of land Assessment.

Limit of price  
to be bid by  
Commissioner at  
such sales.

other cases of Lands purchased by him under this Act; and such Lands so purchased under this section, shall be managed, sold, and disposed of, in the same way as other lands held by "The Commissioner of Public Lands" hereunder, and shall, in all respects, be subject to the provisions of this Act; but in no case shall the price bid by "The Commissioner of Public Lands" for such lands, at such Sheriff's sales, exceed the amount of the tax and expenses for which the sale is made, by any greater sum than twenty shillings, and the same equity of redemption shall be open to the former owner of any lands purchased under this section by "The Commissioner of Public Lands," as in other cases of purchase by private individuals, at such sales as aforesaid.

Lieutenant Governor, &c.,  
authorised to  
raise a loan not  
exceeding  
£3,000, for  
purposes of this  
Act.

XII. In order to pay the price of Lands purchased under this Act, and any incumbrances or mortgages affecting the same, and interest accruing due thereon, as aforesaid, and all expenses incurred under this Act, where sufficient moneys shall not be in the Treasurer's hands, under this Act or otherwise, to defray the same, it shall be lawful for the Lieutenant Governor, by and with the advice of Her Majesty's Executive Council, from and after the time when this Act shall go into operation, from time to time, as occasion may require, to order a Loan Account under this Act to be opened in the Treasury of this Island, and to authorise and direct the Treasurer to borrow and receive from any person or persons, Bodies Corporate or Politic, and in such sums and amounts as may be from time to time required, and may be practicable and convenient, a Loan or Loans of Money, not exceeding in the aggregate thirty thousand pounds of lawful current money of this Island, including any amount which may pos-

Account there-  
for to be opened  
in the Treas-  
ury.

sibly be required to pay off outstanding debts, mortgages and incumbrances affecting any Lands purchased hereunder.

XIII. All sums of money which from time to time shall be raised and borrowed under the provisions of this Act, shall be received by the Treasurer of this Island for the time being, who shall, and he is hereby authorised to cause and direct any number of Debentures to be made out for any such sum or sums of money, not exceeding in the whole the said sum of thirty thousand pounds, as any person or persons, Bodies Corporate or Politic shall agree to advance on the credit of the said Debentures; which Debentures shall be prepared and made out in such method and form as Her Majesty's Treasurer shall think most safe and convenient, and be signed by him, by the Colonial Secretary, and also by the Lieutenant Governor of this Island, and shall be made payable at such period, and for such sums, and at such rate of interest, not exceeding five pounds *per centum per annum*, as shall be found most advisable.

All sums borrowed to be received by the Treasurer.

Debentures to be issued for the same.

Form of Debenture, and by whom to be signed.

When to be payable.

Rate of interest not to exceed 5 per cent. per annum.

XIV. The interest growing due on Debentures issued under this Act, shall and may be demandable in half-yearly periods, computed from the date thereof, and shall and may be paid on demand by the Treasurer of this Island for the time being, who shall take care to take a full and proper receipt therefor from the parties respectively, and have the same endorsed on each Debenture at the time of payment thereof, or receive from or on account of the holders thereof such a full and unmistakeable discharge therefor as shall prevent the possibility of the same being again legally demandable, and in such form as the Treasurer shall think advisable, and such Debentures as shall from

Interest on the debentures to be demandable half-yearly.

Treasurer to take sufficient receipt for same.



time to time be paid off shall be cancelled and made void by the Treasurer.

When debentures become due, according to the terms thereof, Treasurer to pay same in succession, with interest, &c.

Payment of principal moneys of Government securities, with certain exceptions, postponed when necessary to payment of debentures under this Act.

Notice to be inserted in *Gazette*, calling in debentures.

When interest thereon to cease.

XV. When the said Debentures or any of them shall respectively become due, according to the terms thereof, it shall be lawful for and the duty of the Treasurer of this Island to pay off the same, with interest, out of moneys being in his hands, arising under this Act, or otherwise, in their proper order and succession, according to priority of date; and the payment of the principal moneys of all warrants and other Government securities, save the Debentures issued under the Act of the fourteenth *Victoria*, chapter twenty, (which shall have precedence over the Debentures issued under this Act, so far only, however, as the general revenue is concerned), shall, when necessary, from time to time be postponed, but bearing interest, so that the Debentures issued under this Act, as the same respectively become due, according to the terms thereof, may be paid off as nearly as possible on the day on which they become due, as aforesaid; and the Treasurer shall from time to time, when prepared to pay off any Debentures so becoming due, cause a notice to be inserted in the *Royal Gazette* Newspaper, requiring the holders of the said Debentures to present the same for payment, according to this Act; and if after insertion of the said notice for one month any Debentures then payable shall remain out for more than one month, interest shall cease, and be no further payable in respect to the time which may elapse before the expiration of the said last one month and their presentment for payment: provided also, that it shall be lawful for the Treasurer of this Island, and he is hereby authorised, out of moneys which shall from time to time be in his hands, as hereinafter mentioned, arising from

the sales or other disposition of Lands under this Act, or the rents and profits thereof, when the same shall not be required for the payment of the interest on the said Debentures, or mortgages and incumbrances affecting any Lands purchased, or for any of the purposes of this Act, or to defray any expenses, charges or, salaries incurred or payable thereunder, from time to time to pay off in succession the Debentures issued under this Act, in such manner and at such times as he thinks proper and convenient, even although the principal moneys of such Debentures shall not have become due according to the terms thereof; but in case of such payment being intended to be made before the said Debentures have so become due, then the Treasurer must also cause a notice to be inserted in the *Royal Gazette* Newspaper, requiring the holders of the Debentures to present the same for payment according to this Act, and such notice shall be inserted for three months; and on all Debentures so called in as in this section mentioned, which shall remain out for more than three months from the first publication of such notice, all interest after the end of the said last three months shall cease, and be no further payable in respect to the time which may elapse between the expiration of the said three months and the presentment for payment.

Treasurer, in certain cases, may pay off debentures before they become due by the terms thereof.

And in such cases must cause a notice to be inserted in the *Royal Gazette* for three months, calling in the same.

When interest to cease after such notice.

XVI. Also, if at any time after this Act shall go into operation, all the Treasury Warrants and other Government securities, and the Debentures issued under the fourteenth *Victoria*, chapter twenty, shall be paid off, the Lieutenant Governor in Council may even before the Debentures issued under this Act shall become due, according to the terms thereof, order the Treasurer to apply any surplus moneys which from time to time may be in the Treasury to

Governor in Council, before debentures become due, may order surplus moneys in Treasury to be applied to payment of same, where other Government securities are paid off.

**Treasurer thereupon to apply the money to payment of the debentures.**

**Notice required to be given in this case.**

**Proviso.**

the payment thereof, and the Treasurer shall according to such order apply the said surplus moneys, or so much thereof as shall be specified in the order, to the payment of the Debentures issued under this Act, in succession, but subject to the same provisions as in the last preceding section of this Act contained, with respect to giving three months' previous notice of such payment, and the period during which interest shall be payable after such notice, and the time at which it shall cease to be payable thereon: Provided always, that in any case where the party or parties entitled to the money payable in respect of any Debentures issued under this Act, and called in as hereinbefore provided for, shall consent to receive the same before the expiration of any notice required by this Act, or without any such previous notice, it shall be lawful for the Treasurer, and he is hereby authorised to pay the same at once, with interest to the day of payment.

**Purposes to which moneys raised under this Act are to be applied.**

XVII. The moneys so to be raised shall be applied to the payment of the purchase money of Lands purchased by "The Commissioner of Public Lands" under this Act, and also of mortgages and other incumbrances affecting the same, and interest thereon as aforesaid, and other purposes of this Act; and the person selling the Lands, or receiving payment on account of any mortgages or incumbrances may, if he think fit, receive Debentures in payment.

**When an agreement to purchase lands is perfected, and deeds, &c., are prepared, the Commissioner, with the concurrence of the Treasurer, shall**

XVIII. When an agreement for the purchase of Lands under this Act shall have been perfected, and conveyances and other necessary deeds, documents, surveys, and other papers are prepared and ready for execution and delivery, and the Treasurer shall have in his hands moneys or Debentures under this Act, or

otherwise, of sufficient amount to pay the price of the Lands, or so much thereof as may be required, "The Commissioner of Public Lands" shall, with the concurrence of the Treasurer, appoint a day and time for the execution and delivery of the deeds and conveyances, and of all books, deeds, surveys, plans, documents and papers, connected with the Lands to be conveyed, or forming part of the title thereof, and the said "The Commissioner of Public Lands," with the vender, shall, on the day and time so appointed, attend in the Treasurer's Office, in the Colonial Building, in *Charlottetown*, and the necessary deeds of conveyances, and other deeds, books, plans, surveys, documents and papers, shall be then and there executed and delivered over to "The Commissioner of Public Lands," who shall retain the same in his custody; and the price or consideration money of the Lands conveyed shall be then and there paid to the vender by the Treasurer, who shall receive a certificate acknowledging the same, in form in Schedule (B) to this Act, signed by the vender and "The Commissioner of Public Lands," and the deeds of conveyance to "The Commissioner of Public Lands," and other necessary deeds and documents relating to the Lands purchased, shall be recorded in the office of the Registrar of Deeds, in *Charlottetown*, without charge.

appoint a day for execution of the deeds, &c.

And on day appointed, attend with vender at the Treasurer's office.

Deeds, plans, &c., to be executed to Commissioner.

Consideration money to be paid to vender by the Treasurer.

Certificate of payment to be given.

And deeds to be recorded in the Registrar office.

XIX. No Debenture under this Act shall be issued securing any greater principal sum than one hundred pounds, or less than fifty pounds.

No debenture to be issued for more than £100, or less than £50.

XX. For the repayment of all sums of money borrowed under this Act, and the interest thereon, and for the payment of all sums contracted to be paid under this Act, and expenses incurred thereunder, the moneys arising from

Moneys arising from sales, &c., of land purchased under this Act in the first instance, and afterwards the public funds,

&c., rendered liable for repayment of moneys borrowed.

the sale, rents, and profits of Lands purchased thereunder, and paid into the Treasury, shall, in the first instance, be pledged and rendered liable, and the other public funds, moneys and securities of this Island shall be, and the same are hereby in the next place pledged and rendered liable.

Treasurer to keep a separate account of all moneys borrowed and paid by him, &c., and lay same monthly before Council, and annually before each branch of the Legislature.

XXI. The Treasurer shall keep a separate account of all moneys borrowed, paid, and repaid by him under this Act, of Debentures issued, of moneys received or paid by him from or to "The Commissioner of Public Lands," and all other transactions in his office under this Act, and shall lay the same once in each month before the Lieutenant Governor and Council, and annually before each branch of the Legislature, during the first week of its Session.

All sums of money, fees, &c., paid by any person purchasing lands, to be paid to the Commissioner, who shall enter the particulars in his book, and give a certificate of payment, &c.

Commissioner to pay over moneys received to the Treasurer.

XXII. All sums of money and fees paid by any person purchasing Lands under this Act from "The Commissioner of Public Lands," on account of the purchase money thereof, or for preparing the conveyance or duplicate thereof, or otherwise, where required by this Act, shall be paid to "The Commissioner of Public Lands," who shall enter the particulars of each payment in his books, and give the person making the payment such certificate, acknowledging the same on his part, by indorsement on the back of the deed, or otherwise, as the circumstances of the case may require; and the said "The Commissioner of Public Lands," at the times and in manner as hereinafter mentioned, shall pay over to the Treasurer of this Island all such sums of money and fees so paid to him as aforesaid, to and for the purposes of this Act, and the use of the Government of this Island, or otherwise, as hereinafter to be provided for by any Act of the General Assembly of this Island.

XXIII. Where Lands are sold by "The Commissioner of Public Lands" under this Act, and the whole of the purchase money is paid at once, "The Commissioner of Public Lands," on receiving such payment, and of all other fees and accounts chargeable under this Act, shall execute and deliver to the purchaser a deed of conveyance thereof, in the form or to the effect set forth in Schedule (C) to this Act; but if only part of the purchase money be paid, then the said deed shall be in the form or to the effect set forth in Schedule (D), altered where necessary to meet the circumstances of any particular case; and on such last mentioned deed of conveyance there shall be endorsed a memorandum or defeazance, specifying the amount remaining unpaid, and when and how payable, in form as set forth in Schedule (E), also varied where necessary to meet the circumstances of the case; and the amount so specified as unpaid, with interest (if the same be charged), as therein mentioned, shall be and the same is hereby declared to be a specific lien and charge on the Land described in the deed for which payment is due, superior to and having priority over every other lien or charge on the said Land, created by the purchaser, or any claiming by, from, through, under, or in trust for him, whether before or after the date of the deed, rights of dower, or otherwise, and payment thereof shall be enforced from time to time in manner as hereinafter mentioned.

Form of conveyance of land sold by Commissioner where all the purchase money, &c., is paid at once.

Form of conveyance where only a part of the purchase money is paid.

In such last mentioned case, memorandum, &c., specifying amount, &c., remaining unpaid, shall be indorsed in a certain form.

Amount unpaid to be a specific lien on land sold.

XXIV. "The Commissioner of Public Lands" shall cause duplicate copies of all deeds of conveyance executed by him under this Act, with any memorandum or defeazance relating to the payment of the purchase money endorsed thereon, as aforesaid, to be made and executed, and he shall cause the purchaser to execute the

Duplicate copies of deeds of conveyance, &c., from the Commissioner to be executed, &c.

Duplicate copy to be deposited in the Commissioner's office.

same, and by endorsement thereon to declare it to be a true copy of the original deed of conveyance; and every such duplicate copy of any deed shall be deposited by "The Commissioner of Public Lands" in his office, and remain of record therein.

Both the original deed and the duplicate copy thereof shall be evidence in all actions wherein it shall be necessary to give such deeds in evidence.

XXV. The original deed of conveyance, and also the duplicate copy thereof, executed as aforesaid, and attested by "The Commissioner of Public Lands," shall be evidence in all Courts in all actions wherein the title of the Lands under this Act, or those claiming under them shall come in question, or wherein any proceedings shall be taken under this Act for the recovery of the purchase moneys due thereon, with interest, and in all other cases wherein it shall become necessary to give such deeds in evidence.

Where the tenants or occupiers of lands, when called upon, shall neglect or refuse to purchase, and where lands are wilderness, &c., the Commissioner (with the approval of the Governor in Council), may sell the same in parcels not exceeding 300 acres on any one Township to any one person.

XXVI. Where the tenants or occupiers of Lands vested in "The Commissioner of Public Lands" under this Act, when called upon to come forward and purchase the same, as in the tenth section of this Act pointed out, shall neglect or refuse so to do, or to comply with any other requisites of this Act, or where any such Lands shall be in a wilderness state, or in case of improved farms, mills, or other valuable properties, if the same shall at any time become vacant or unoccupied, or shall be surrendered to the said "The Commissioner of Public Lands," then and in all such cases as in this section mentioned, the said "The Commissioner of Public Lands" shall have power and authority (subject, nevertheless, to the approval of the Lieutenant Governor in Council, as hereinafter mentioned), from time to time, as he may find opportunity or a fitting occasion, absolutely to sell and dispose of the same, in parcels not

exceeding three hundred acres in any one Township to any one person, and either by public auction or private contract, and subject to such conditions and reservations as he may deem expedient, and to buy in the same at any sale by public auction, or to rescind any contract or agreement entered into for the sale thereof.

By public auction or private contract, &c.

XXVII. Whenever "The Commissioner of Public Lands" shall have made a sale of any Lands under the last preceding section of this Act, all payments on account thereof shall be made to him, as in other cases of purchase under this Act, and he shall give a deed thereof, in same manner and form as pointed out in the twenty-third section of this Act, with a like defeazance or memorandum endorsed thereon, in case of the amount of purchase money not being paid, as in the same section also pointed out; and the deeds shall be executed in duplicate, in like manner, and the lands conveyed subject to the like lien and charge, as therein also mentioned, for such part of the purchase money as shall remain unpaid, and to be enforced as hereinafter mentioned.

Whenever the Commissioner shall make sale of lands under the last preceding section, he shall receive all payments made on account thereof, and give a deed in same form, &c., as pointed out in the 23rd section, with defeazance, &c., indorsed thereon, in case purchase money shall not be paid.

XXVIII. The consideration money for all Lands sold by "The Commissioner of Public Lands" under this Act shall be paid in the following proportions and instalments, that is to say, twenty *per cent.* thereof at the time of making the purchase, and at or before the time of the execution of the deed, and the remainder, with interest, at the rate of five *per cent. per annum*, on the amount from time to time remaining unpaid, in ten equal annual instalments, the said interest to be annually paid, together with each instalment. Provided, nevertheless, that any purchaser may at any

Twenty *per cent.* of the purchase money of lands sold by "The Commissioner of Public Lands," to be paid at the time of purchase, and the remainder, with interest, in ten annual instalments.

But purchaser may pay the whole amount at once.



time pay off the whole amount of the purchase money and interest, if any be due, and obtain a full discharge of his land therefrom.

A separate book for each Township to be kept in the Commissioner's office, in which all purchases and sales of lands are to be entered.

Such book and the plan of the Township, to be open to public inspection on payment of one shilling for each search, &c.

The Commissioner shall also enter into such books an account of all sales and proceedings taken in his office, moneys paid and received, &c.

And monthly account for and pay over to the Treasurer all moneys in his hands.

To be applied to the purposes of this Act, &c.

XXIX. "The Commissioner of Public Lands" shall keep in his office a separate book for each Township of Lands, in which shall be entered the particulars of all Lands purchased and sold, or conveyed by him with the names of the various persons purchasing or occupying the same, with dates of purchase, and account of payments and amounts due, with all other necessary particulars, and so arranged and numbered as if possible always to agree with the general plan of the Township, to be likewise kept in his office; which book and plan shall be open to the inspection of persons requiring to search the same at any time within office hours, on payment of the sum of one shilling for each general search and inspection on any one day.

XXX. "The Commissioner of Public Lands" shall also enter into such books an exact and correct account of all sales and other dispositions of Lands made and negociated in his office, or proceedings taken therein, and also of all moneys received or paid by him, or into his office, on account of sales, rent or otherwise, and all such books and accounts, as well as all documents, deeds, plans and papers in his office, shall at all times be open to the inspection of the Government, and shall be inspected and audited annually; and "The Commissioner of Public Lands" shall monthly account for and pay over all moneys in his hands, received or arising under this Act, to the Treasurer, on the first *Monday* in each month, to be applied to the purposes of this Act, as herein set forth, and to the use of the Government of this Island, as provided for or directed by this Act, or by

any Act of the General Assembly of this Island hereafter to be passed.

XXXI. If the person holding the said office of "The Commissioner of Public Lands" shall at any time refuse or wilfully neglect to account with and pay over to the Treasurer all such moneys as last aforesaid, or to keep an account book thereof, or to allow the inspection thereof, and of all other books, documents, plans and papers, in manner as in the last preceding section mentioned, he shall, for every such refusal and neglect, forfeit and pay to Her Majesty the sum of fifty pounds, over and above the amount of any deficiency in the said moneys so by him payable, the same to be recovered by bill, plaint or information, in the Supreme Court of Judicature of this Island, to and for the use of Her Majesty's Government thereof.

Penalty on "The Commissioner of Public Lands" for refusing or wilfully neglecting to pay over moneys in his hands, &c., &c.

Mode of recovery of penalty.

XXXII. The office of "The Commissioner of Public Lands" shall be kept in the Colonial Building, in *Charlottetown*, on such days as shall be appointed by the Lieutenant Governor in Council, and on such days shall be open from ten o'clock in the morning to three o'clock in the afternoon.

The office of "The Commissioner of Public Lands" is to be kept in the Colonial Building.

Days and hours of attendance.

XXXIII. Any person appointed under this Act to be "The Commissioner of Public Lands" shall and may, and he is hereby authorised from time to time to nominate and appoint any fit and proper person to act as his Clerk or Deputy, who shall be, and he is hereby authorised in the absence of "The Commissioner of Public Lands" to perform the duties of "The Commissioner of Public Lands," as prescribed in and by this Act or any Act of the General Assembly of this Island hereafter to be passed, or

Commissioner may nominate a Clerk or Deputy to perform his duties during his absence.

which otherwise by Law he is required or authorised to do as such Commissioner of Public Lands as aforesaid.

Such Deputy, &c., to be appointed by commission from "The Commissioner of Public Lands," and to be recorded in the Registrar's office.

Deputy to be sworn.

Commissioner and his sureties to be responsible for the acts, &c., of the Deputy.

XXXIV. Such Deputy so to be appointed as aforesaid shall be appointed by a commission under the hand and seal of "The Commissioner of Public Lands" for the time being, which shall be duly registered in the office of the Registrar of Deeds of this Island, and the said Deputy shall be sworn by a Justice of the Peace, faithfully to perform the duties of his said office, before he shall act therein, and every such "The Commissioner of Public Lands" and his sureties, shall be, and they are hereby declared to be responsible and liable for all and every neglect of duty, defalcation, or improper conduct on the part of any such Clerk or Deputy, appointed by him in discharge of his duty as aforesaid.

Every person appointed "The Commissioner of Public Lands," to give security for the faithful performance of the duties of his office by himself and his Deputy.

XXXV. Every person to be appointed Commissioner of Public Lands under this Act, shall, previous to entering upon the duties of his office, give good and approved security, payable to Her Majesty, her heirs and successors, in such amount as the Lieutenant Governor in Council shall from time to time deem sufficient for the faithful performance of the trust reposed in him and his Clerk or Deputy, if any be appointed by him, and that he and his said Clerk or Deputy, if any be appointed by him, will duly and properly pay over and account for, according to Law, all moneys by him received as such "Commissioner of Public Lands" as aforesaid, or received by, or entrusted to his said Clerk or Deputy.

Salary of "The Commissioner of

XXXVI. There shall be paid out of the moneys arising under this Act to any person

who shall be appointed "The Commissioner of Public Lands," for the due performance of the duties of his office under this Act, provided that that he shall hold no other salaried office under Government, such sum or amount *per annum* as the Lieutenant Governor, by and with the advice and consent of Her Majesty's Executive Council, shall deem sufficient, according to the amount of business to be transacted in his office, not, however, in any case to exceed the sum of three hundred pounds *per annum*; the said amount to be drawn for by warrant of the Lieutenant Governor or Administrator of the Government of this Island, on the Treasurer thereof.

Public Lands," to be regulated by the Lieutenant Governor in Council according to the amount of business done in his office.

But not in any case to exceed £300 *per annum*.

How same to be paid.

XXXVII. The Lieutenant Governor may, with the advice and consent aforesaid, out of moneys raised or arising under this Act, and being in the Treasury of this Island, pay the necessary expenses attendant on the working of this Act, such as the inspection of the Lands offered for sale, and all other expenses incurred in carrying out the provisions of the Act, the same to be paid in the usual manner by warrant drawn on the Treasurer of this Island.

The Government may pay all necessary expenses incurred under this Act out of moneys arising thereunder and being in the Treasury.

XXXVIII. All deeds of conveyance executed by "The Commissioner of Public Lands," in manner and form as in this Act specified, shall be good and sufficient to pass to the purchaser named therein, the legal estate in fee simple or otherwise, in the Lands conveyed according to the tenure under which the same are held by "The Commissioner of Public Lands," or the reversion and inheritance thereof, where there are tenants or occupiers thereof, whether holding under leases, written minutes or agreements, in which case they shall pay their rent, as stated in such minutes, leases or agreements,

All deeds of conveyance executed by "The Commissioner of Public Lands," as in this Act mentioned, shall be sufficient to pass to the person named therein the legal estate, &c., in the lands without entry, &c.

Where there are tenants holding leases, &c., of the lands conveyed

they shall pay rent to the purchaser, &c.

Lands conveyed subject to lien for amount of purchase money remaining unpaid.

Where the occupier of land sold by the Commissioner shall be a squatter, he shall be liable to pay to the purchaser an amount of rent equal to the interest at  $7\frac{1}{2}$  per cent. *per annum* on the price of his location, according to the classification, as per section 9 to this Act;

And shall execute a lease in the usual form, containing covenants, &c.

Occupier refusing to pay or execute lease, &c., liable to ejectment.

Evidence required in such cases on the trial.

to the purchaser, and hold under him, or otherwise, independently of the attornment of such tenants or occupiers, without any entry or possession given, but subject, as in this Act mentioned, where the whole of the purchase money has not been paid to the specific lien or charge therefor created by this Act; and if the tenant or occupier of any Land sold by the said "The Commissioner of Public Lands" shall be what is commonly termed a squatter, he shall, after the sale and execution of the conveyance to the purchaser, be chargeable with and pay to the purchaser and those claiming under him such an amount of rent therefor as represents the interest at the rate of seven and a half *per cent. per annum*, on the price or value in the original classification referred to in section nine of this Act, set on his location, that is to say, if his location, according to such classification, shall be worth fifty pounds, he shall pay three pounds fifteen shillings *per annum*, and so in proportion for any greater or lesser sum; and he shall take and execute a lease therefor in the usual form, containing covenants for payment of rent and proviso for re-entry, in case of default, when tendered to him by the purchaser; and if he refuse or neglect to pay the rent, or take and execute such lease and counterpart, on the same being so tendered to him as aforesaid, he shall in either case be liable to be ejected on demand of possession being made; and the only evidence required to be given by the purchaser on the trial of such ejectments to entitle him to recover a judgment therein shall be the deed to himself hereunder from "The Commissioner of Public Lands," comprising the Land for which the ejectment is brought, the non-payment of the rent, or refusal to take and execute the lease or counterpart thereof, as aforesaid, when tendered, and the demand of possession; always,

however, saving and reserving to the occupier or tenant the benefit of the statute of limitations, and also the right to shew in himself otherwise a good title, documentary or otherwise, but the *onus probandi* in such case to be on the occupier or tenant.

Occupier, however, entitled to benefit of statute of limitations, and to shew a good title otherwise in himself, but *onus probandi* to be an occupier.

XXXIX. No deed or conveyance of any Land sold by "The Commissioner of Public Lands," under this Act, shall be of any effect if obtained by any fraud or wilful misrepresentation or misstatement of any facts connected therewith, but all deeds or conveyances obtained by any such means shall be utterly void and of none effect; and any person or persons who by such means may have obtained a deed or possession of any lands purchased or sold by virtue of this Act, shall be liable to be ejected therefrom forthwith, without any notice to quit or demand of possession.

No deed of conveyance from Commissioner of Public Lands to have any validity if obtained by fraud, &c.

Person obtaining deed by fraud, &c., liable to be ejected without any notice to quit, &c.

XL. No deed of sale or other disposition of Lands made in writing under this Act shall be valid or effectual to pass any estate therein unless the same shall have been approved of by the Lieutenant Governor, conclusive evidence of which approval shall be the countersigning of each deed by the Lieutenant Governor, in some conspicuous part thereof.

No deeds of sale, &c., under this Act to be valid unless approved of and countersigned by the Lieutenant Governor, &c.

XLI. For the protection of persons to whom Lands may be sold, or otherwise disposed of by "The Commissioner of Public Lands," under this Act, no such persons shall be bound to inquire whether the same has been approved of by the Lieutenant Governor or not, or whether any survey required by any provisions of this Act has been made or not, or whether a duplicate of the conveyance or deed has been made pursuant to this Act, or whether the provisions

Persons purchasing lands not bound to enquire whether the provisions of this Act respecting the same have been complied with.

But every deed which purports to make sale, &c., of land under this Act, shall be good, &c., if countersigned by the Lieutenant Governor.

Purchaser not bound to see to application of the money paid by him for the land.

of this Act in other respects shall have been duly complied with or not, or whether such conveyance or deed, or the original purchase and conveyance of the Lands therein comprised shall or shall not have been in fact authorised by this Act, or conducted regularly thereunder, or shall or shall not have been within the provisions and true intent and meaning of this Act; but every such deed or instrument by which any sale or other disposition shall purport to be made under the authority of this Act, shall, after the same shall have been duly countersigned by the Lieutenant Governor, pursuant to the provisions of this Act hereinbefore contained, be good, valid and effectual, as against the said "The Commissioner of Public Lands" and his successors in office, and the Government of this Island, and to pass all interest and estate therein purchased and conveyed to the said "The Commissioner of Public Lands," under this Act, to the extent of and for the purposes set forth in the deed of sale, or other disposition thereof, and for which the same shall have been executed; and no purchaser or other person paying money under the authority of this Act to the Treasurer or "The Commissioner of Public Lands" shall be bound to see to the application, or be answerable for the misapplication or non-application thereof.

"The Commissioner of Public Lands," until any lands purchased under this Act are resold, or when they become vacant, empowered to manage same, &c., and to receive rents, &c.,

XLII. Until such time as any Lands conveyed to "The Commissioner of Public Lands," under this Act, shall be sold, or if at any time they have become vacant, it shall be the duty of the said "The Commissioner of Public Lands," and he is hereby authorised and empowered to look after, and manage, and have possession of the same, and to sue for and recover by all lawful ways and means, and by distress or otherwise, from all persons occupy-

ing Lands purchased under the provisions of this Act, under leases or agreements, parol or otherwise, granted by the vender or proprietors of the same Lands previous to such purchase, and afterwards subsisting, all and every the annual and other rents, issues and profits, payable or issuing in respect of or out of the same.

XLIII. It shall be lawful for "The Commissioner of Public Lands" to compound for arrears of rent due in respect of any Lands conveyed to him under this Act previous to the date of the conveyance, and to make such allowances and deductions therein as he may think proper, and also to take surrender of old leases, subject to the approval of the Lieutenant Governor in Council, as aforesaid.

"The Commissioner of Public Lands," may compound arrears of rents, receive surrender of old leases, &c.

XLIV. "The Commissioner of Public Lands," with respect to all Lands purchased and conveyed to him under this Act, shall (subject to the provisions of this Act), for the purpose of managing the same, have with respect thereto all the rights and powers of a person holding and being seized of the legal and equitable estate therein, in fee simple or otherwise, in his own individual right, as the circumstances of each case may require, and incidentally thereto may make claim and demand, or enter, or distrain, or give any notice, or depute any other person to do such acts, to compel any occupier to give up possession of the Lands, or to compel the performance of any contract or covenant relating thereto, or the payment of rent or other sum of money in respect thereof, or to recover possession thereof for the non-performance of any covenant, contract or agreement, or give any notice, or make any entry, or bring any action of trespass or ejectment, or other action in respect of the said Lands, either

"The Commissioner of Public Lands," with respect to lands vested in him hereunder, to have same rights, &c., as if possessed thereof in his own right, and may enter thereon, distrain, and bring actions to recover possession thereof, &c.



to recover possession thereof, or for damages done thereto, in his name of office or otherwise, as fully and effectually, to all intents and purposes, as if he were personally seized thereof in his own individual right.

Recites that in some cases proprietors have sold their lands and secured the purchase money by judgments in Supreme Court.

XLV. And whereas some Proprietors of Lands in this Island have, in disposing of the same, instead of giving leases, executed absolute deeds of release, or conveyance in fee simple, and secured the payment of the purchase money and interest, by taking bonds and warrants of Attorney, or one of them therefor, on which judgment can be, and in many cases has been entered in the Supreme Court of Judicature of this Island, and remain of record therein; and the Lands so sold and subject to such judgments form in many cases the most valuable part of the property of the Proprietor, and it is necessary to provide for the purchase and assignments of such judgments, if need be, and to give full powers to "The Commissioner of Public Lands" to deal with the same: Be it therefore further enacted, as follows:— That it shall be lawful for "The Commissioner of Public Lands," subject to the approval of the Lieutenant Governor in Council, as in the case of the purchase of Lands, to purchase any such judgments at Law, as aforesaid, of record in Her Majesty's Supreme Court of Judicature of this Island, or other debts or securities for debt, and to take conveyances and assignments thereof to himself and his successors in office, in the same form, and to the like purport and effect, as in the case of purchasing Land under this Act.

"The Commissioner of Public Lands" may purchase and take assignments of such judgments in the same manner as in the case of lands purchased under this Act.

How purchase money of such

XLVI. The payment shall be made on the purchase of any such judgments, or debts or

securities, out of moneys to be raised or arising under this Act, in same manner as in the case of the purchase of Lands, and "The Commissioner of Public Lands" shall have power to issue execution on any judgment assigned, and to use and take all other usual and necessary ways and means to recover any amounts becoming due thereon, or to mark the same satisfied, or to recover any such debts, or put in force any securities therefor, as fully and effectually as the original creditor or plaintiff; and "The Commissioner of Public Lands" is hereby authorised and empowered, if he think it advisable, and if any of the parties against whom any judgment stands shall desire the same, to receive from such parties a conveyance of the Lands bound by such judgments, and either to sell out the same again to them in the terms and under the provisions of this Act, as in other cases, or to make such other agreement or arrangement as he may think proper, always subject to the approval of the Lieutenant Governor and Council, proved by the signature of the Lieutenant Governor on any document or deed relating to or evidencing the transfer or agreement; and on receiving payment of the amount due on any judgment, or receiving a conveyance of the Lands bound thereby, "The Commissioner of Public Lands" shall, and he is hereby empowered to acknowledge satisfaction on the record of the judgment, or to give such other receipt, discharge or release, as the circumstances of the case may require.

judgments to be paid.

Commissioner empowered to issue executions, and take other necessary proceedings on judgments assigned to recover amounts due, &c.;

and to enter into agreements with the defendants to any judgments respecting the discharge of the same, &c.

Subject to the approval of the Lieutenant Governor, &c.

And may mark judgment's satisfied, or otherwise discharge same when required, &c.

XLVII. When default is made in the payment of the purchase money, or the interest thereof, or any part thereof, of any Lands sold by "The Commissioner of Public Lands," under this Act, the said "The Commissioner of Public Lands" shall notify the same by adver-

Notice to be advertised in the *Royal Gazette* when default is made in payment of purchase money, &c., of lands sold by "The

Commissioner of  
Public Lands,"  
&c.

Requisites of  
such advertise-  
ment, which is  
to be inserted  
six times.

If default is  
made in pay-  
ment of amount  
due after such  
notice, Commis-  
sioner is to issue  
a precept to the  
Sheriff, &c.

Form of pre-  
cept, and mode  
of proceeding  
where the same  
is directed to  
the Sheriff of a  
County wherein  
the lands in ar-  
rear are not sit-  
uate.

Sheriff may levy  
on goods and  
chattels, &c., of  
person in ar-  
rear.

Form of precept  
and mode of  
proceeding by  
Sheriff where  
the same is  
awarded to the  
Sheriff of the  
County wherein  
the lands are  
situated.

tisement, published in the *Royal Gazette* News-  
paper of this Island, and therein specify the  
Land in arrear, by stating the names of persons  
to whom the same were originally sold, the  
Township and number of acres, and the date of  
the deed, and require payment within three  
months or such further time as the said "The  
Commissioner of Public Lands" shall think  
proper, and in such advertisement appoint, and  
that in default thereof proceedings will be  
taken for recovering the amount due, which  
advertisement shall be inserted six times; and  
if the amount due shall not be paid within the  
time in such notice or advertisement limited for  
the payment thereof, it shall be lawful for and  
the duty of "The Commissioner of Public  
Lands" to award a precept in each case to the  
Sheriff of any Connty in this Island, as the said  
"The Commissioner of Public Lands" shall  
deem most advisable; and if the precept shall  
be awarded to the Sheriff of any County wherein  
the Land in arrear is not situate, but wherein  
goods and chattels of the person in arrear, the  
original purchaser, are supposed to be, it shall  
be in the form or to the same purport as con-  
tained in Schedule (F), to this Act annexed,  
requiring him to levy the amount in arrear,  
with all costs and expenses, on the goods and  
chattels of such person in arrear, and the said  
Sheriff shall and may accordingly levy the same  
on such goods and chattels, if any be found,  
which shall be irrepleviab, and may be sold at  
auction by the Sheriff, after he has given at  
least six days' public notice of such sale; and if  
the precept shall be awarded to the Sheriff of  
the County wherein the Land in arrear is situ-  
ate, it shall be in the form in Schedule (G), to  
this Act, authorising and requiring the Sheriff  
to levy the amount in arrear, with all costs and  
expenses, on the goods and chattels of the per-

son in arrear; and if sufficient goods and chattels be not found to satisfy the same, or in case the original purchaser be dead at the time of issuing the precept, then on the Land in arrear, and the interest of all persons laying claim to the same (save those subject to which the Lands may have been sold by the terms of the deed thereof from "The Commissioner of Public Lands," on which the proceedings are founded), and such last mentioned Sheriff shall accordingly, and he is hereby authorised to levy the same on the goods and chattels of the person in arrear, wherever found in his County, for all which purposes it shall be lawful for the Sheriff to enter upon the Land for the purpose of making such levy, and elsewhere on other Lands, without being liable to any action therefor; and such goods and chattels shall be irrepleviable, and may be sold at public auction by the Sheriff, after he has given at least six days' public notice of such sale; and if sufficient goods and chattels, as aforesaid, cannot be found whereon to levy the amount in default, or if after sale of any such goods and chattels any amount remains unpaid, or in case the original purchaser be dead at the time of issuing the precept, then it shall be lawful for the Sheriff, under the precept so awarded to him, as aforesaid, to levy upon the Land itself in arrear, and to seize and sell the same by public auction, at some place in the County wherein the same is situate, after having given at least six months' previous notice thereof, by advertisement, inserted at least three times in the *Royal Gazette* Newspaper of this Island; and the said Sheriff is hereby authorised and directed to make, execute and deliver to the purchaser of such Land, at his expense, a conveyance thereof, in the form contained in Schedule (H), to this Act, which shall be good and valid in Law, to

Sheriff may<sup>1</sup>  
enter on lands  
in arrear, and  
other lands, to  
levy, &c.

If no goods, &c.  
be found, or if  
original purchaser  
be dead  
when the pre-  
cept issued,

the Sheriff may  
levy upon and  
sell the land it-  
self in arrear,

and execute to  
the purchaser a  
conveyance  
thereof in a cer-  
tain form,  
which shall pass  
a good title to

the purchaser, subject to certain conditions, charges and payments, as set forth in the original deed thereof from the Commissioner, and the defeasance thereto.

How such payments, &c., enforced.

Sheriff, within 3 months after he has executed any deed, if required by the purchaser, may put him in quiet possession, &c., by putting out all persons therefrom.

Except those to whose claims the same may be liable by the terms of the original conveyance from the Commissioner.

give the purchaser a good and valid title thereto against all former holders or purchasers under this Act, subject only to the conditions, reservations and exceptions, and chargeable with the future payments contained, reserved, and charged thereon, in and by the original conveyance thereof from "The Commissioner of Public Lands," under this Act, or the memorandum or defeasance relating to the payment of the purchase money thereof, endorsed thereon as hereinbefore required; and which future payments shall be recovered and enforced from and against the said purchaser from the Sheriff, and from and against the Land purchased by him, by precept and sale, in same manner as against the original purchaser; and the form of the precepts and proceedings shall be as nearly as possible the same, altered only in the recitals and body thereof, so as to meet the different circumstances of the case, and the powers of the Sheriffs and other officers, and forms of proceedings thereunder, shall be the same as in cases founded on the original purchase; and it shall be lawful for the Sheriff or other proper officer, under any precept so awarded to him, and after any such deed of conveyance shall be so executed, and he is hereby authorised and required, if called upon by the purchaser at any time within three months after the delivery and execution thereof, to enter into and upon the Lands in arrear, and sold as aforesaid, and specified in the deed or conveyance, and to put out and remove therefrom all persons being thereon, save those to whose claims the same may have been sold or made subject, by the terms of the original conveyance thereof, under this Act, by "The Commissioner of Public Lands," as aforesaid, and their goods and chattels, and to put the purchaser into the peaceable and quiet possession thereof, without any action of ejectment or writ

of *Habere facias possessionem* being prosecuted for such purpose.

XLVIII. Where a Sheriff shall, under the last preceding section of this Act, have made sale of any goods and chattels, or Lands as therein mentioned, he shall, out of the proceeds thereof, pay all the expenses incurred in levying upon, advertising, and selling the same, and all incidental costs and charges, and shall also pay into the hands of "The Commissioner of Public Lands," within two months after the sale shall have been made, the whole amount realized from said sales under the precept, and "The Commissioner of Public Lands" shall pay the surplus (if any), to the owner of the goods and chattels, or Lands sold, or the person otherwise entitled to receive the same.

How, and to whom the Sheriff, where he shall have made sale of any goods or lands is to appropriate and pay the proceeds.

XLIX. No Sheriff shall take any other or greater fee or fees for any thing done under this Act than is or are allowed by the Schedule to this Act annexed, marked (I).

Fees under this Act to be taken by the Sheriff.

L. It shall be lawful for "The Commissioner of Public Lands," where he shall deem it advisable, where a sufficient amount has not been levied under any precept issued by him as aforesaid, to pay the amount in arrear, with costs and expenses, to issue an *alias* precept or *alias* precepts to the Sheriff to whom the first precept was directed, or to the Sheriff of any other County in this Island, according to the requirements of the case, in the same form as the original precept under this Act contained, varied in the recitals and wording thereof, so as to point out and meet the particular circumstances of the case, and under such *alias* precept or precepts the Sheriff to whom the same is or are directed shall have the same powers, and

Where a sufficient amount has not been realized under any precept issued, an *alias* precept may be issued, the proceedings under which shall be similar to those under the original precept.

the proceedings shall be the same as in this Act ordained in the case of the original precept in the case.

Suspending  
clause.

LI. This Act shall not go into operation, or be of any force or effect until Her Majesty's assent thereto shall be signified, and notification thereof shall have been published in the *Royal Gazette Newspaper* of this Island.

### Schedules to which this Act refers.

Schedule (A.)

#### SCHEDULE (A).

Form of deed  
from vender of  
lands to "The  
Commissioner of  
Public Lands."

Know all men by these presents, that I, *A. B.*, of \_\_\_\_\_ in pursuance of a Contract and Agreement made by me with *E. F.*, the Commissioner of Public Lands in Prince Edward Island, acting under the authority of an Act passed, &c., (*here set forth the title of this Act*), and in consideration of the sum of \_\_\_\_\_, paid to me by *C. D.*, Treasurer of the said Island, on behalf of the Government thereof, the receipt whereof I do hereby acknowledge, (*this of course must be varied to meet the circumstances of each case*), do by these presents grant, bargain and sell unto the said *E. F.*, the Commissioner of Public Lands as aforesaid, and his successors in office, all that (*here describe the land and premises sold, and also any subsisting mortgages, judgments, contracts, leases or charges affecting the same, if it shall be thought necessary to recite them*), to have and to hold the said (*shortly specifying the lands, &c.*) to the said *E. F.*, as such "The Commissioner of Public Lands" and his successors in office, in trust for such purposes, and subject to such powers, provisions, regulations and authorities, in every respect, and to be managed and disposed of in such modes as are set forth, declared and contained in the said recited Act, &c., (*Here set forth the title of this Act*), of and concerning lands purchased thereunder by and conveyed to "The Commissioner of Public Lands" therein mentioned, (*here insert any covenants for title, or other covenants which may have been required from the party selling or conveying*). In witness whereof, I, the said *A. B.*, have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord

Witness to the execution }  
by the said *A. B.*, }

*A. B.*, (L. S.)

## SCHEDULE (B.)

## Schedule (B.)

This is to certify that *A. B.*, Treasurer of *Prince Edward Island*, has this day paid to *C. D.* undersigned, the sum of \_\_\_\_\_ of lawful money of the said Island, being the consideration money named in a certain deed of conveyance, bearing even date herewith, as paid to the said *C. D.* for the purchase and conveyance of the lands and premises therein described to "The Commissioner of Public Lands," under the Act, passed in the sixteenth year of the reign of Her Majesty Queen *Victoria*, intituled (*here insert the title of this Act*). Dated the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_.

*C. D.*, (Vender.)

*E. F.*, "The Commissioner of Public Lands."

Certificate of  
payment of  
price of lands  
by the Treasu-  
rer.

## SCHEDULE (C.)

## Schedule (C.)

Know all men by these presents that I, *A. B.*, "The Commissioner of Public Lands" for *Prince Edward Island*, under the authority of an Act passed (*here set forth the title of this Act*), in consideration of the sum of \_\_\_\_\_ of lawful money of *Prince Edward Island*, to me in hand paid by *C. D.*, of \_\_\_\_\_ the receipt whereof is hereby acknowledged, have granted, bargained, released and confirmed, and by these presents do grant, bargain, release and confirm unto the said *C. D.*, his heirs and assigns, all that (*here describe the premises sold, and all subsisting contracts, leases or charges affecting the same*), together with all and singular the rights, privileges, easements, advantages and appurtenances whatsoever, to the said land and premises belonging, or in any wise appertaining, or therewith now or heretofore holden, used and enjoyed, to have and to hold the said (*briefly specifying the premises*), with the appurtenances thereunto belonging, hereby granted and released, (*if there be any subsisting leases, charges or contracts affecting the premises, here add "subject nevertheless as aforesaid,"*) unto the said *C. D.*, his heirs and assigns, to the only proper use and behoof of the said *C. D.*, his heirs and assigns forever, and to no other use, intent or purpose whatsoever, as fully, amply and beneficially, as the original grantee or grantees thereof from the Crown were possessed of the same or entitled thereto. In witness whereof, I, the said *A. B.*, "The Commissioner of Public Lands," have hereunto set my hand and seal the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_

Signed, sealed and delivered, in the presence of } *A. B.*,  
"The Commissioner of Public Lands." } Seal  
of  
Office. }

Approved

*E. F.*, Lieutenant Governor.

Form of deed  
from "The Com-  
missioner of  
Public Lands"  
to a purchaser  
when all the  
purchase money  
is paid.



## RECEIPT TO BE ENDORSED ON DEED.

Received the                      day of                      A. D. 18                      , of and  
from the within named C. D., the sum of                      being the  
consideration money expressed to be paid in the within  
written conveyance.

Witness my hand,

A. B.,

"The Commissioner of Public Lands."

## Schedule (D.)

## SCHEDULE (D.)

Form of deed  
from "The Com-  
missioner of  
Public Lands"  
to purchaser,  
where only part  
of purchase  
money is paid  
down.

Know all men by these presents, that I, A. B., "The Commissioner of Public Lands" for *Prince Edward Island*, under the authority of an Act passed (*here set forth the title of this Act*), in consideration of the sum of                      of lawful current money of the said Island, to me in hand paid by C. D., of                      the receipt whereof is hereby acknowledged, and also in further consideration of the sum of                      to be paid (*if bearing interest, say "with interest,"*) by the said C. D., in manner, and at the times specified and set forth in the memorandum thereof, on the other side hereof written, and signed by the said C. D., and according to the terms and provisions of the said recited Act, I have granted, bargained, released and confirmed, and by these presents do grant, bargain, release and confirm, unto the said C. D., his heirs and assigns, all that (*here describe the premises sold, and any subsisting contracts, leases or charges affecting the same*), together with all and singular the rights, privileges, easements, advantages and appurtenances whatsoever, to the said land and premises belonging, or in any wise appertaining, or therewith, now or heretofore holden, used and enjoyed, to have and to hold the said (*briefly specify the premises*), with the appurtenances thereunto belonging, hereby granted and released unto the said C. D., his heirs and assigns, to the only proper use and behoof of the said C. D., his heirs and assigns for ever, and to no other use, intent or purpose whatsoever, as fully, amply and beneficially, as the original grantee or grantees thereof from the Crown were possessed of the same or entitled thereto, (*if there be any subsisting leases, contracts or charges affecting the premises, say, "subject as aforesaid, and,"*) subject, nevertheless, to the payments to be made in respect thereof, as set forth in the said memorandum on the other side hereof written, and to be enforced as in the said recited Act set forth. In witness whereof, I, the said A. B., "The Commissioner of Public

Lands," have hereunto set my hand and seal of office, the  
day of                      in the year of our Lord one thousand  
eight hundred and

Signed, sealed and } A. B., { Seal }  
delivered, in the } "The Commissioner of { of }  
presence of } Public Lands." { Office. }

Approved,  
E. F., Lieutenant Governor.

#### RECEIPT TO BE ENDORSED ON DEED.

Received the                      day of                      A. D. 18   , from  
the within named C. D., the sum of                      being that part  
of the consideration money which is expressed to be paid in  
the within written conveyance.

Witness my hand,

A. B.,  
"The Commissioner of Public Lands."

#### SCHEDULE (E.)

#### Schedule (E.)

Memorandum that the amount for which the land and  
premises within described and released have been sold to the  
within named C. D., is the sum of                      of lawful current  
money of *Prince Edward Island*, whereof the sum of  
hath been paid, as within mentioned, and the balance thereof  
being                      (*here state amount unpaid, and if interest is*  
*charged, say "with interest at the rate of five per cent. per*  
*annum, from this date," or otherwise, as the case may be*),  
is to be paid at the times and in the manner following, that is  
to say, (*here set out the periods of payment, and amounts of*  
*principal and interest to be paid at each period*); and the  
land and premises within described and released are taken,  
subject to such payments as aforesaid, the same being a spe-  
cific lien and charge on the said land and premises, as in the  
within recited Act of the sixteenth year of the reign of Her  
Majesty Queen *Victoria*, intituled (*here set out the title of*  
*this Act*), is set forth, and to be enforced in manner as in  
the said Act is mentioned.

Memorandum  
or defeasance to  
be indorsed on  
deed, &c.,  
where purchase  
money remains  
unpaid.

Witness our hands } C. D., { L. S. }  
and seals this } A. B., { Seal }  
day of } "The Commissioner of { of }  
A. D. 185 . } Public Lands." { Office. }



*chase money or interest, or otherwise, as the case may be*), now due thereon, of which public notice hath been given as by the said Act is required: Therefore I, "The Commissioner of Public Lands," by virtue of the power and authority in me by the said Act vested, do command you the said Sheriff, that of the goods and chattels of the said *C. D.*, within your bailiwick, you do cause to be levied the sum of (*amount to recover which precept is issued*), and also sufficient to satisfy your own fees and incidental expences; and in default of any such goods and chattels as aforesaid, to satisfy the amount aforesaid, or in case sufficient shall not be found to satisfy the whole thereof, or if the said *C. D.* be not living at the date hereof, then I further command you to levy on the said land so in arrear as aforesaid, and make public sale thereof, after having given six months' previous notice thereof; and that in all the matters aforesaid and otherwise, you proceed as in the said Act is directed, and that you return this precept, and certify in what manner you shall have executed the same to the office of "The Commissioner of Public Lands," on or before the day of next coming.

Given under my hand and the seal of my office, this  
day of A. D. 18 .

A. B.,  
"The Commissioner of { Seal  
Public Lands." { of  
Office. }

### SCHEDULE (H.)

Schedule (H.)

#### SHERIFF'S DEED.

To all to whom these presents shall come, I, A. B., High Sheriff of the County of in *Prince Edward Island*, send greeting:

Form of deed of land from Sheriff on sale, &c., under precept.

Whereas in and by a certain precept, in pursuance of an Act of the General Assembly of the said Island, intituled (*here insert the title of this Act*), issued by "The Commissioner of Public Lands," appointed under and by virtue of the said Act, and to me directed, I, the said Sheriff was, amongst other things, in certain events which have happened, commanded to make public sale of the tract or piece of land and premises, hereinafter particularly described, the same being in arrear of principal and interest to the amount of as by reference to the said precept will more fully appear; and whereas, having given six months' notice, as directed by the said precept, I did, on the day of pursuant to such notice, set up and sell at public

auction the said tract or piece of land and premises, when the same was sold and knocked down to *C. D.*, of            at and for the price or sum of            he, the said *C. D.*, being the best and highest bidder therefor, and being thereupon declared the purchaser thereof. Now, know ye, that I, the said *A. B.*, Sheriff as aforesaid, by virtue of my said office, and of the authority hereinbefore mentioned, and in consideration of the sum of            to me in hand paid by the said *C. D.*, at or before the enrolling and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, enfeoffed, released and confirmed, and by these presents do grant, bargain, sell, enfeoff, release and confirm (as much as I may or lawfully can), unto the said *C. D.*, his heirs and assigns, all that tract, piece or parcel of land (*here particularly describe the land*), together with all and singular the privileges, easements, advantages and appurtenances whatsoever, to the same belonging or in any wise appertaining, and all the estate, right, title, interest, inheritance, use, trust, property, claim and demand whatsoever, both at law and in equity, of            (*the defaulter or original purchaser, as the case may be*), his heirs or assigns, or any other person or persons whomsoever, claiming or to claim by, from or under, or in trust for him, them, or any of them, of, in or to the said land and premises, and every part thereof; to have and to hold the said piece or tract of land, tenements and premises hereby conveyed, with the appurtenances, unto the said *C. D.*, his heirs and assigns, to the use of the said *C. D.*, his heirs and assigns forever; subject, nevertheless, to the several conditions and reservations contained in the original grant of the said land and premises from the Crown, and also subject to the conditions, reservations and exceptions (*if any instalments under the deed to the original purchaser from "The Commissioner of Public Lands" be still unpaid or outstanding, here add "and chargeable with the future payments,"*) contained and reserved (*where instalments remain add, "and charged thereon,"*) in and by the original conveyance thereof from "The Commissioner of Public Lands," under the said recited Act of the sixteenth Victoria, chapter (*here insert the number of this Act*), (*where instalments outstand, add, "or the memorandum or defeazance relating to the payment thereof, endorsed thereon,"*) and subject to the provisions of the said recited Act, relating to or affecting the same. In witness whereof, I, the said Sheriff, have hereunto my hand and seal subscribed and set, on the            day of            in the year of our Lord one thousand eight hundred and

Signed, sealed and  
delivered, in the  
presence of

*A. B.*,  
Sheriff of

{ L. S. }  
County.

£ \_\_\_\_\_

Received the day and year last within written, of and from  
the within named *C. D.*, the sum of \_\_\_\_\_ being the full  
consideration money within mentioned to be by him paid to  
me.

Witness, *E. F.*,*A. B.*,*G. H.*

Sheriff of

County.

## SCHEDULE (I.)

Schedule (I.)

## SHERIFF'S FEES.

	Currency.	
For every levy under a precept, - - -	£0 2 6	Sheriff's fees.
Poundage on moneys realised under precept, the same to be chargeable only on the amount for the recovery of which the precept issues, or so much thereof as is realised, on the pound, -	0 0 6	
Travelling, per mile, to be computed from the Court House in the County to the place where the levy is made, or possession given, but in no case shall any more miles be charge- able for than he can actually make it to appear he has travelled, - - -	£0 0 3	
Return of precept to "The Commissioner of Public Lands," - - -	0 2 6	
For giving possession of land sold to the pur- chaser (this as well as the mileage in such case to be paid by the purchaser), - -	0 5 0	
Advertisements, &c., and posting the same—not including newspaper advertisements, - -	0 3 0	
For every deed, - - -	0 10 0	

## CAP. XIX.

An ACT to incorporate the *Charlottetown Gas Light Company*.

[April 16, 1853.]

Preamble.

**W**HEREAS *Daniel Brenan, Charles Young, Charles Hensley, Joseph Pope, George Birnie, James Walkinshaw, Francis Longworth, Henry Haszard, James Anderson, James Douglas Haszard, George Beer, and George Wastie Deblois*, together with divers others, have associated themselves into a Company for supplying the Town of *Charlottetown* with Gas Light, which said Company is to have a capital or joint stock of six thousand pounds of current money of *Prince Edward Island*, divided into one thousand two hundred shares, of five pounds each; and whereas it is expedient that such Company should be incorporated:

Incorporates  
certain persons  
as the "*Char-*  
*lottetown Gas*  
*Light Com-*  
*pany.*"

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that the said *Daniel Brenan, Charles Young, Charles Hensley, Joseph Pope, George Birnie, James Walkinshaw, Francis Longworth, Henry Haszard, James Anderson, James Douglas Haszard, George Beer, and George Wastie Deblois*, and all and every other person or persons who now are or may hereafter from time to time be and become proprietors of shares in the said Company, their successors and assigns, shall be and are hereby declared to be a Body Politic and Corporate, by the name and style of "*the Charlottetown Gas Light Company*," and by that name shall have succession and a common seal, and shall and may by that name sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in any Court or

Powers of the  
Company as to  
bringing  
actions, holding  
lands, &c.

Courts of Law, Equity, or place whatsoever, and be able and capable in Law to have, hold, purchase, take, receive, lease, possess and enjoy any houses, lands and tenements whatsoever, in fee simple, leasehold or otherwise, and also any goods and chattels, and all other things, real, personal and mixed, and also to give, grant, sell, let, assign or convey the same, or any part thereof, as shall and may be thought necessary and proper for the benefit and advantage of the said Company; provided always, that the said Company shall not have, take, hold, possess and enjoy, at any one time, lands, tenements and hereditaments of greater value than five thousand pounds.

Real estate to the amount of £5,000, may be held by the Company.

II. And be it further enacted, That it shall and may be lawful for the said *Daniel Brenan, Charles Young, Charles Hensley, Joseph Pope, George Birnie, James Walkinshaw, Francis Longworth, Henry Haszard, James Anderson, James Douglas Haszard, George Beer, and George Wastie Deblois*, immediately after the passing of this Act, to continue to take subscriptions for shares in the said Company, in addition to those shares which have already been subscribed for, and on the same terms; but no person shall be entitled to subscribe for more than twenty shares until twenty days shall have elapsed from the day on which the books for such additional subscriptions shall have been opened, public notice of which shall be given by advertisements in the public newspapers in *Charlottetown*; and if, at the end of the said twenty days, the whole amount of shares of and in the said joint stock or capital, as hereinbefore prescribed, shall not be taken up or subscribed for, then any person or persons under the sanction and direction of the said *Daniel Brenan, Charles Young, Charles Hensley, Joseph*

Company may continue to take subscriptions for shares, &c.

No person to subscribe for more than 20 shares until after a certain period.

Additional shares may be subscribed for after the expiration of such period.



*Pope, George Birnie, James Walkinshaw, Francis Longworth, Henry Haszard, James Anderson, James Douglas Haszard, George Beer and George Wastie Deblois*, hereinbefore named, or a majority of them, may subscribe for the residue of such shares, notwithstanding such person or persons may respectively subscribe for more than twenty shares.

Two-thirds of the shares being taken up, Directors are to be chosen by the Company by ballot.

Powers of Directors.

III. And be it further enacted, That when and so soon as two-thirds of the whole of the said shares or joint stock of the said Company, as hereinbefore prescribed, shall be taken up and subscribed for, it shall and may be lawful for the said Company, by a majority of votes, at any meeting or meetings to be thereafter held—the first of such meetings to be called by the said *Daniel Brenan, Charles Young, Charles Hensley, Joseph Pope, George Birnie, James Walkinshaw, Francis Longworth, Henry Haszard, James Anderson, James Douglas Haszard, George Beer, and George Wastie Deblois*, or the majority of them, to appoint, by ballot, Directors of the said Company, who shall have power to elect from among themselves a President, and to make by-laws, rules and ordinances for prescribing the duties, powers and authorities of the President, Directors and officers of the said Company, for regulating the payment, transfer, registry and forfeitures of shares, the time or times of meeting of the said Company, or of the Directors, the making of dividends of profits, and the keeping of the accounts, and generally for the good order, conduct and government of the said Company, its affairs and business, as may be requisite and necessary.

Company may cause pipes,

IV. And be it further enacted, That it shall and may be lawful for the said Com-

pany to supply the inhabitants of the said Town of *Charlottetown* with Gas Light, and for that purpose, at a proper and convenient distance below the roads, streets, squares and highways of the said Town, to cause pipes, leaders and tubes to be laid and placed as may be necessary; and in the streets of the said Town to place and erect in convenient and fitting situations lamp posts or burners and supporters for the same, as may be necessary for the proper lighting of the said Town, or of such streets or parts of streets as may be lighted.

&c., and lamp posts to be laid and erected in the streets of *Charlottetown*, under certain restrictions and regulations.

V. And be it further enacted, That for the purposes aforesaid, after notice given to the Chairman and Justices of the Peace for ordering and directing the performance of Statute Labour in *Charlottetown* and *Royalty*, or to such Officer or Officers as may, from time to time, be appointed by Law to manage or direct the repairing of the said streets or highways, it shall and may be lawful for the said Company to break up and open the roads, streets, squares and highways, in or near to the said Town, in any place where necessary, and to keep any such road, street, square or highway, open for such seasonable time as may be necessary; provided always, that the said Company shall carefully close up, repair, and make good the said roads, streets, squares and highways, so to be opened, at their own costs and charges, or otherwise shall be liable to defray all expenses to be incurred by the said Chairman and Justices, or other person by Law authorised to manage the said streets and highways, in closing up, repairing, or making good any road, street, square or highway, by the said Company to be opened up—which expenses shall be recoverable by the said Chairman and Justices, or other Officer aforesaid, against the said Com-

Company may open up roads, streets or squares in *Charlottetown* or *Royalty* for such purposes, after notice given to certain parties in authority, &c.

Roads, streets or squares so opened or excavated, must be repaired at the expense of the Company.

How such expense is to be recovered from the Company.

pany, with costs, in Her Majesty's Supreme Court, by suit or action against the said Company, in which it shall be sufficient for the said Chairman and Justices, or other Officer, to declare for work and labour done by them for the said Company.

Company, at any general meeting, may increase its capital, but such increase not to exceed £3,000.

VI. And be it further enacted, That whenever it shall become necessary to increase the capital or joint stock of the said Company, it shall and may be lawful for the said Company, at any general meeting, to be called agreeably to the by-laws, rules and ordinances to be made as aforesaid, to declare and direct that such increased capital shall be raised, not exceeding three thousand pounds, to be divided into shares of the like amount, in respect to the original capital, as is hereinbefore prescribed.

All Shareholders entitled to vote at a general meeting who have paid up all calls on their shares, &c.

Mode of voting.

Shareholders may vote by proxy, &c.

VII. And be it further enacted, That at any general meeting of the said Company every Proprietor or Shareholder having paid up all calls on him made, and then due and payable, if any be then due and payable under the by-laws, rules and ordinances of the said Company, shall be entitled to vote according to the number of shares which any Proprietor or Shareholder may possess—that is to say, the owner of one share to have one vote; the owner of ten shares to have two votes; the owner of twenty-five shares to have three votes; and the owner of fifty or a greater number of shares to have four votes, and no more; and may give such vote or votes by his or her proxy, duly constituted according to the by-laws, rules or ordinances of the said Company—such proxy being himself a Shareholder, and entitled to vote; and every such vote by proxy shall be as good and sufficient, to all intents and purposes, as if such principal had voted in person.

VIII. And be it further enacted, That all shares in the said Company, and in the undertaking for which it is established, and in the profits and advantages thereof, shall be deemed and taken to be personal estate, to all intents and purposes whatsoever, and shall be assigned and transferable accordingly; but no share shall be divisible, or divided or assigned in parts; and the several Shareholders or Subscribers to the said undertaking respectively, and their several and respective executors, administrators and assigns, shall not, except as hereinafter provided, be liable to any debts of or demands against the said Company, beyond the amount of their several and respective subscriptions, or the shares they may severally and respectively hold or possess in the said Company; nor under any calls or assessments to be made by the said Company or Board of Directors, nor in any way, nor by any means, nor on any pretence whatsoever, be liable to the payment of any greater sum of money in the whole than the sum of five pounds, on or for each several share subscribed for, or held by, or standing in the name of such Subscriber or Shareholder, at the time of ordering any call or assessment, and that the said sum of five pounds shall include all the calls and payments to be made on one share, and that no greater sum than five pounds, in the whole, shall be paid on any one share in the said Company.

Shares in the Company to be deemed personal estate, and may be assigned accordingly.

Shareholders not liable (except in certain cases), for debts of Company beyond the amount of their shares.

Nor under any call, &c., liable to pay more than £5 on each share.

IX. And be it further enacted, That the said joint stock and real and personal estate of the said Company shall be liable for and subject to the payment of all debts contracted by the said Company, and that none of the present or future members of the said Company shall be liable for the payment of any debt contracted beyond the amount of the calls and assessments due and

Joint stock and real and personal estate of the Company liable for the payment of debts.

Directors liable for debts contracted by them without the sanction of the Company, if same exceed the amount of the shares subscribed for.

unpaid on the shares of the stock held by such individual Member; provided always, that if the Directors of the said Company shall, by any contract or engagement, incur any responsibility for any sum or sums of money beyond the amount of the shares subscribed for, without the sanction of the said Company, first had and obtained at some general or special meeting of the said Company, to be called and summoned agreeably to the by-laws of the said Company, the Directors of the said Company shall themselves be held and deemed personally liable for the amount so by them incurred.

Prohibits Company from dealing in the lending of money, &c.

X. And be it further enacted, That nothing herein contained shall be held or construed to give the said Company the privilege of dealing in the lending of money, by way of discount or otherwise, or engaging in any banking operation whatsoever, or to underwrite, or make as Underwriters, any insurance upon any ship or vessel, or marine risk, or upon any loss by fire, or upon any life or lives.

Company may light *Charlotte-town* with gas, &c.

XI. And be it further enacted, That the said Company shall, immediately after the passing of this Act, be at liberty to commence and undertake the lighting of the said Town with Gas, and to have and exercise all the privileges hereinbefore conferred on the said Company.

Shares, how payable.

XII. And be it further enacted, That the shares subscribed for by any Shareholder in said Company shall be payable in such manner by such instalments and calls, and at such times, and upon such notices, as by the by-laws, rules and ordinances of the said Company may be ordered and directed; and if such calls and instalments shall not be paid, it shall and may be lawful for the said Company to sue for

Mode of enforcing payment of calls on shares, &c.

and recover such calls and instalments by suit or action in any Court of Law, having jurisdiction against any Shareholder who shall make default in payment of any call or instalment.

XIII. The said Company shall, in the month of *January*, in each year during the continuance of this Act, transmit to the office of the Colonial Secretary of this Island a full abstract of the accounts and proceedings of the said Company for the then past year, for the information of the Lieutenant Governor and Her Majesty's Executive Council, and of the General Assembly.

An abstract of the accounts, &c., of the Company is to be transmitted to the Colonial Secretary's office annually.

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## C A P . X X .

An ACT for appropriating certain Moneys therein mentioned for the service of the year of our Lord One thousand eight hundred and fifty-three.

[April 16, 1853.]

MAY IT PLEASE YOUR EXCELLENCY;

WE, Her Majesty's dutiful and loyal subjects, the House of Assembly of *Prince Edward Island*, towards appropriating the several supplies raised for the exigencies of Her Majesty's Government, do humbly beseech that it may be enacted; and be it therefore enacted, by the Lieutenant Governor, Council and Assembly: That by and out of such moneys as from time to time shall be and remain in the Public Treasury of this Island, there shall be allowed and paid for the services herein mentioned the several sums following, that is to say:—

4,000*l.* for general service of roads, bridges, &c.

A sum not exceeding four thousand pounds for the general service of Roads, Bridges and Wharfs, to be expended agreeably to the report of the Committee of the House of Assembly appointed for the consideration of all matters relating to Roads, Bridges and Wharfs; and that such sum be divided among the three Counties as follows:

1,500*l.* for *Queen's* County.

*Queen's* County, one thousand five hundred pounds;

1,250*l.* for *King's* County.

*King's* County, one thousand two hundred and fifty pounds;

1,250*l.* for *Prince* County.

*Prince* County, one thousand two hundred and fifty pounds;

150*l.* for contingent expenses of roads, &c.

And a sum of one hundred and fifty pounds to defray the contingent expenses of roads, bridges and wharfs for the present year, should the same be required, to be equally divided among the three Counties.

200*l.* to defray expenses under Road Compensation Act.

And a sum of two hundred pounds to defray expenses under the Road Compensation Act, for the present year, should the same be required.

2,700*l.* special appropriations for roads, &c.

And a sum of two thousand seven hundred pounds, special appropriations for roads, bridges and wharfs, for the present year, to be expended agreeably to the Report of the Committee of the House of Assembly, appointed for the consideration of all matters relating to roads, bridges and wharfs.

50*l.* to defray expense of placing finger-posts at cross roads.

And a sum of fifty pounds for the purpose of placing direction or finger-posts at the different branch or cross roads throughout the Island, where most required.

A sum sufficient for encouragement of free general education.

And a sum sufficient to be placed at the disposal of the Lieutenant Governor in Council, for the encouragement of free general education, for the present year.

600*l.* for salary of Chief Justice.

And a sum of six hundred pounds to defray the salary of the Chief Justice for the present year.

And a sum of four hundred pounds to defray the salary of the Colonial Secretary and Road Correspondent, for the present year.

400*l.* for salary of Colonial Secretary, &c.

And a sum of four hundred pounds to defray the salary of the Treasurer of this Island, for the present year.

400*l.* for salary of Treasurer.

And a sum of five hundred pounds to defray the salary of the Master of the Rolls and Assistant Judge, for the present year.

500*l.* for salary of Master of the Rolls, &c.

And a sum of two hundred pounds to defray the salary of the Registrar and Keeper of Plans, for the present year.

200*l.* for salary of Registrar, &c.

And a sum of one hundred and fifty pounds to defray the salary of the Attorney General, for the present year.

150*l.* for salary of Attorney General.

And a sum of two hundred pounds to defray the salary of the Collector of Impost at *Charlottetown*, for the present year.

200*l.* for salary of Collector of Impost *Charlottetown*.

And a sum of two hundred and ten pounds to defray the salaries of Controllers of the Navigation Laws for the several Ports in this Island, for the present year.

210*l.* for Salaries of Controllers of Navigation Laws.

And a sum of three hundred and fifty pounds to defray the salary of the Postmaster General of this Island, for the present year.

350*l.* for salary of Postmaster General.

And a sum of one hundred and twenty pounds to defray the salary of the Clerk of the Executive and Legislative Councils, for the present year.

120*l.* for salary of Clerk of Executive and Legislative Councils.

And a sum of three hundred pounds to defray the salaries of the Masters of the Central Academy, for the present year.

300*l.* for salaries of Masters of Central Academy.

And a sum of twenty-five pounds to defray the salary of the Adjutant General of Militia, for the present year.

25*l.* for salary of Adjutant General of Militia.

And a sum of sixty-eight pounds to defray the salary and office rent of the Harbour Master and Wharfinger for the Port of *Charlottetown*, for the present year.

68*l.* for salary, &c, of Harbor Master and Wharfinger, *Charlottetown*.



300*l* for salaries  
of Road Com-  
missioners.

And a sum of three hundred pounds to defray the salaries of thirty Road Commissioners, at ten pounds each, for the present year.

25*l* for salary of  
Road Commis-  
sioner for *Char-*  
*lottetown*.

And a sum of twenty-five pounds to defray the salary of the Road Commissioner for *Charlottetown*, Common and Royalty, for the present year.

350*l* towards  
support of Lu-  
natic Asylum.

And a sum of three hundred and fifty pounds towards the support and maintenance of the Lunatic Asylum and House of Industry, for the present year, should the same be required for the support of the inmates thereof, and the necessary expenses of the establishment.

40*l* for Market  
Clerks of *Char-*  
*lottetown*.

And a sum of forty pounds to defray the salaries of the Market Clerks of *Charlottetown*, for the present year.

100*l* for country  
Postmasters.

And a sum of one hundred pounds to defray the salaries of the Country Postmasters, for the present year.

200*l* for allow-  
ance of late  
Colonial Secre-  
tary.

And a sum of two hundred pounds to defray the allowance of the late Colonial Secretary, for the present year.

60*l* to Sheriffs  
of *Queen's*,  
*King's* and  
*Prince* Counties.

And a sum of sixty pounds to defray the salaries of the three Sheriffs for *King's*, *Queen's* and *Prince* Counties, for the present year.

20*l* to Messen-  
of Executive  
Council.

And a sum of twenty pounds to defray the salary of the Messenger of the Executive Council for the present year.

20*l* to Crier of  
Supreme Court.

And a sum of twenty pounds to defray the salary of the Crier of the Supreme Court and Tipstaff in Chancery, for the present year.

40*l* to *Charlotte-*  
*town* Jailor.

And a sum of forty pounds to defray the salary of the Jailor of *Charlottetown* Jail, for the present year.

60*l* to Jailors of  
*King's* and  
*Prince* Coun-  
ties.

And a sum of sixty pounds to defray the salaries of the Jailors for *King's* and *Prince* Counties, for the present year.

15*l* to Matron  
of *Charlottetown*  
Jail.

And a sum of fifteen pounds to defray the allowance of the Matron of the *Charlottetown* Jail, for the present year.

And a sum of five pounds to defray the salary of the Assayer of Weights and Measures in *Charlottetown*, for the present year.

5*l* to Assayer of Weights and Measures.

And a sum of ten pounds for the Medical Attendant of *Charlottetown* Jail, for his services and for medicines, for the present year.

10*l* to Medical Attendant of *Charlottetown* Jail.

And a sum of eight pounds to defray the allowances to the Medical Attendants of *King's* and *Prince* County Jails, for the present year.

8*l* to Medical Attendants of *King's* and *Prince* County Jails.

And a sum of sixty pounds to defray the salary of the Keeper of the Colonial Building, for the present year.

60*l*. to Keeper of Colonial Building.

And a sum of fifty pounds to defray the salary of the Keeper of *Point Prim* Light House, for the present year.

50*l* to Keeper of *Point Prim* Light House.

And a sum of fifty pounds to defray the expense of plans, estimates, and the superintending of public works, for the present year.

50*l* for public plans, estimates, &c.

And a sum of ten pounds to defray the salary of the Librarian to the Legislature, for the present year.

10*l* to Librarian of Legislature.

And a sum of five hundred and fifty pounds, or as much thereof as may be required, to defray the cost of Crown prosecutions, for the present year.

550*l* to defray cost of Crown prosecutions.

And a sum of twelve hundred and fifty pounds to defray the expenses of conducting the Summer Foreign Mails, and the Winter Mails to and from the Provinces of *Nova Scotia* and *New Brunswick*, and the Inland Mails, for the present year.

1,250*l* to defray expense of conducting foreign and inland mails.

And a sum of eighty pounds to defray the amount allowed by Law for the *Georgetown* and *Shediac* Packets.

80*l* to *Georgetown* and *Shediac* Packets.

And a sum of seventy-five pounds to defray the amount of public postage for the present year.

75*l* for public postage.

And a sum of four hundred pounds to defray the expense of fuel and bread for the three County Jails, with any other contingent ex-

400*l* for fuel and bread for County Jails.

penses for the present year, should the same be required.

600*l* for public printing.

And a sum of six hundred pounds to defray the expenses of public printing and stationery, should the same be required.

75*l* for light at Point Prim.

And a sum of seventy-five pounds, or as much thereof as may be required, to defray the expense of lighting the Light House at *Point Prim*, for the present year, the principal articles to be supplied by tender.

45*l* for lights at St. Paul's and Scattarie.

And a sum of forty-five pounds to defray the proportion of expense payable by the Government of this Island for the Light Houses at *Saint Paul's* and *Scattarie*.

120*l* to defray expenses of buoys and beacons.

And a sum of one hundred and twenty pounds to defray the expenses of Buoys and Beacons in the several Ports in this Island, for the present year.

20*l* for destruction of bears, &c.

And a sum of twenty pounds to defray the amount of premiums for the destruction of bears and loupcevriers for the present year, should the same be required.

14*l* for Government pews in St. Paul's Church.

And a sum of fourteen pounds to defray the assessment on Government pews in Saint Paul's Church, *Charlottetown*.

500*l* to defray interest on debentures.

And a sum of five hundred pounds to defray the interest on Debentures for the present year.

400*l* to defray interest on warrants.

And a sum of four hundred pounds to defray the interest on Treasury Warrants for the present year.

150*l* for expenses of Government House, &c.

And a sum of one hundred and fifty pounds, at the disposal of the Government, to defray the expense of Government House and furniture, for the present year.

2*l* 10*s* to Market Clerk at *Georgetown*.

And a sum of two pounds ten shillings to defray the salary of the Market Clerk in *Georgetown*, for the present year.

6*l* each for pews in the Wesleyan, Roman Catholic, and Presbyterian Churches.

And a sum of six pounds each to the following Churches, in payment of pew rent for the service of the Legislature, for the present year, viz :

The Wesleyan Church, the Roman Catholic Church, the Presbyterian Church.

And a sum sufficient to defray the amount of bounties allowed by Law for the cod and mackerel fisheries, for the present year.

A sum sufficient to defray cod and mackerel bounties.

And a sum of one hundred pounds, at the disposal of the Government, for the support of lunatics to be sent to the Asylum, whose relatives are unable to support them, for the present year, should the same be required.

100*l* towards support of lunatics.

And a sum of sixty pounds to the persons appointed to audit and classify the public accounts, for the present year.

60*l* to the auditors of Public Accounts.

And a sum sufficient to defray the contingent expenses of the Legislative Council and House of Assembly, for the present Session, and fuel for the Colonial Building, for the present year.

A sum sufficient to defray expenses of Legislature.

And a sum sufficient to defray the amount of drawbacks payable by Law, during the present year.

A sum sufficient to defray drawbacks.

And a sum sufficient, at the disposal of the Lieutenant Governor and Council, to provide for the payment of four Constables to attend the Hilary and Trinity Terms of the Supreme Court held in *Queen's* County, and for the attendance of two Constables at the several Supreme Courts in *King's* and *Prince* Counties, and two Constables for the Easter and Michaelmas Terms of *Queen's* County, at the rate of three shillings per day.

A sum sufficient to defray expense of constables in attendance on Supreme Court, &c.

And a sum of one hundred pounds, or as much thereof as may be required, at the disposal of the Lieutenant Governor in Council, to defray the expenses of Boards of Health, for the present year.

100*l* to defray expenses of Boards of Health.

And a sum of fifty pounds to defray the expenses and travelling charges on Coroner's Inquests, should the same be required.

50*l* to defray expenses of Coroners' Inquests.

And a sum of three hundred and fifty pounds to defray the contingent expenses of the Government, for the present year.

350*l* for contingencies.

A sum sufficient  
to erect a Light  
House at *Three  
Rivers*.

And a sum sufficient, at the disposal of the Government, for the erection of a Light House at *Three Rivers*.

A sum sufficient  
to repair Co-  
lonial Building.

And a sum sufficient, at the disposal of the Government, to defray the expense of repairing the Colonial Building.

A sum sufficient  
to purchase  
India rubber  
mail bags.

And a sum sufficient, at the disposal of the Government, to defray the expense of purchasing India Rubber Mail Bags, for conveying the Winter Mails.

1000*l* to Royal  
Agricultural  
Society.

And a further sum of one thousand pounds, to be placed at the disposal of the Lieutenant Governor in Council, in aid of the funds of the Royal Agricultural Society—said sum to be paid to the Secretary and Treasurer of said Society, to be applied towards the purchase and importation of Stud Horses, under the management of the Royal Agricultural Society, agreeably to the Report of the Committee of the House of Assembly appointed for the consideration of the Petition of the President of the Royal Agricultural Society, praying a grant of money for the purchase and importation of Stud draft Horses.

60*l* to the  
Speaker, and  
30*l* to each  
Member of the  
Assembly.

And a sum of sixty pounds to the Speaker, and the sum of thirty pounds to each of the Members of the House of Assembly, together with the usual travelling expenses in coming to and returning from the present Session, and a proportionate rate to such Members being now absent from the Island, for such time as they may attend in their places after their return.

500*l* to Royal  
Agricultural  
Society.

And a sum of five hundred pounds, or as much thereof as may be necessary and equal to double the amount of the sum subscribed, to be placed at the disposal of the Lieutenant Governor in Council, in aid of the funds of the Royal Agricultural Society—said sum to be paid to the Secretary and Treasurer of the said Society, to be applied for the general benefit of that In-

stitution, under the provisions of the Act of Incorporation,—one hundred pounds of the above sum to be placed at the disposal of the Government, for the purpose of procuring, if possible, a person competent to lecture on Agricultural Chemistry, for a School Visitor, under the Act passed for the Encouragement of Education.

And a sum sufficient, at the disposal of the Government, to defray the expense of constructing a boat for the use of the Mail Couriers between this Island and *Cape Tormentine*.

And a sum of five pounds to *Eliphalet Allen*, of *Cape Tormentine*, to remunerate him for the safe keeping of the mails for the past year.

And a sum of thirty pounds to *George Thresher*, Esquire, as an acknowledgment for the faithful discharge of his duties for upwards of twelve years in the Colonial Secretary's Office, on his retiring therefrom in consequence of old age and infirmity.

And a sum of forty pounds to the shareholders of the Mechanics' Institute Hall, *Princetown* Royalty, in aid of the erection thereof, provided that a suitable part of the building is set apart free of any charge for holding the Court for the Recovery of Small Debts, and for all other public purposes.

And a sum of thirty-eight pounds eighteen shillings and four-pence to defray the expense of contracts for repairing the Jail yard, and for erecting a new fence around the Court yard of *Saint Eleanor's* Jail.

And a sum of ten pounds to the Ladies' Dorcas Society, *Charlottetown*, in aid of the funds of that Institution.

And a sum of twenty pounds to *George Hubbard* and Mrs. *Hubbard*, for teaching the Infant School, *Charlottetown*.

A sum sufficient to provide a boat for conveyance of winter mails.

5l to *Eliphalet Allen* for safe keeping of mails.

30l to *George Thresher*, Esq., late Deputy Colonial Secretary.

40l to Mechanics' Institute Hall, *Princetown* Royalty.

38l 18s 4d for repairing jail yard, &c., at *St. Eleanor's*.

10l to Ladies' Dorcas Society.

20l to Mr. and Mrs. *Hubbard*, for teaching Infant School, *Charlottetown*.

7l 10s to Mr. *Easton*, for teaching Infant School, *Georgetown*.

And a sum of seven pounds ten shillings to Mr. *Easton*, for teaching the Infant School, *Georgetown*.

7l 10s to Sarah *Harvie*, for teaching a school.

And a sum of seven pounds ten shillings to Sarah *Harvie*, for teaching the Bog School, in *Charlottetown*.

20l for services of late Chairman of Board of Health, &c.

And a sum of twenty pounds to Margaret *Rankin*, for the services of her late husband as Chairman of the Board of Health for *Charlottetown*.

116l 5s to teachers of schools.

And a sum of one hundred and sixteen pounds five shillings, at the disposal of the Government, for the following Teachers, viz:

Henry Lecky,	£7 12 0
Mary Ann Mearns,	7 12 0
James Condon,	5 4 0
Frederica Holland,	7 12 0

The Trustees of the Schools attached to the Saint Malachias Church, *Charlottetown*, for each School, £10,

Thomas Walsh,	20 0 0
Ellen Lawson,	7 12 0
James Flynn,	3 15 0
James Ross, <i>Savage Harbor</i> ,	7 12 0
Martin M'Dougall, <i>Belle Creek</i> ,	5 14 0
Richard Williams,	7 10 0
Anastatia M'Donald,	5 14 0
Ronald M'Cormack, <i>Grand River</i> ,	5 0 0
John Wilkinson, <i>Lot 19</i> ,	5 14 0
Letitia Muirhead,	5 14 0
Malcolm M'Donald, omitted last year,	4 0 0
	10 0 0

9l 12s 6d to Joseph *Wightman*, Esquire, a drawback on herrings.

And a sum of nine pounds twelve shillings and six-pence to Joseph *Wightman*, Esquire, drawback on one hundred and ten barrels herrings.

5l 15s 8d to James *Purdie*, a drawback on goods.

And a sum of five pounds fifteen shillings and eight-pence to James *Purdie*, for John M'Naughten, of *Carraquet*, drawback on goods exported in 1851.

And a sum of three pounds to *H. W. Lobban*, for duties on damaged apples and onions.

3l to *H. W. Lobban*, for duties on damaged apples, &c.

And a sum of ten pounds to the Office Bearers of the Mechanics' Institute, *Charlottetown*, in aid of the funds of that Institution.

10l to Mechanics' Institute, *Charlottetown*.

And a sum of five pounds to the Office Bearers of the *Princetown* Royalty Literary and Scientific Society, in aid of the funds of that Institution.

5l to *Princetown* Royalty Literary and Scientific Society.

And a sum of fifty pounds, at the disposal of the Government, to defray the expense of rebuilding the breast-work near Government House.

50l to repair breastwork near Government House.

And a sum of one pound five shillings to *Hugh M<sup>c</sup>Donald*, Esquire, export duty on one hundred juniper knees that were not exported.

1l 5s to *Hugh M<sup>c</sup>Donald*, Esq. export duty on juniper knees not exported.

And a sum of three pounds to the Members for the District in aid of the funds of the *Indian River*, Lot 18, Library.

3l to the *Indian River* Library.

And a sum of one hundred and fifty pounds to the *Newfoundland* and *Prince Edward Island* Telegraph Company, and a further sum of one hundred and fifty pounds to the aforesaid Company, when the line between this Island and *Newfoundland* is completed.

150l to the *Newfoundland* and *P. E. Island* Telegraph Company, and a further sum of 150l when the whole line is completed.

And a sum of one pound eighteen shillings to *Philip M<sup>c</sup>Fadyen*, being for duty paid on fish, the production of *Nova Scotia*.

1l 18s to *Philip M<sup>c</sup>Fadyen* for duty paid on fish.

And a sum of twenty-five pounds, at the disposal of the Joint Committee in charge of the Legislative Library, for the purchase of books.

25l for purchase of books for Legislative Library.

And a sum sufficient, at the disposal of the Government, to make good any loss that may arise on the purchase and transportation of articles sent from this Island by the Royal Agricultural Society to the *New York* Industrial Exhibition.

A sum sufficient to defray loss on articles sent to the *New York* Industrial Exhibition.

And a sum of five pounds to *James Auld*, for lodging, attendance and funeral expenses, for *Ivory Heard*, an American subject.

5l to *James Auld*, expenses incurred by him on account of an American subject.



3*l* to Widow  
*Brown*, Lot 31.

And a sum of three pounds to *Widow Brown*, Lot *Thirty-one*, being in poor and destitute circumstances.

3*l* to Honorable  
*James Dingwell*, for relief  
of a poor person.

And a sum of three pounds to be placed at the disposal of the Honorable *James Dingwell*, for the relief of *James Doyle*, a lame person in destitute circumstances.

24*l* 4*s* 8*d* to  
Honorable *D.*  
*Beaton*, for re-  
lief of several  
poor persons.

And a sum of twenty-four pounds four shillings and eight-pence to be placed at the disposal of the Honourable *Donald Beaton*, for the relief of the following persons, viz:

Margaret Chevarie,	£1	0	5
Robert Main,	3	0	0
Charles Mullen,	1	10	0
William Cummings,	1	10	0
Archangel Pocquet,	1	10	0
Jane Deagle, (Robert Deagle's wife),	1	5	0
Placentia Susang,	1	5	0
Widow LeBlanc,	2	9	8
Widow Flynn,	1	5	0
Eneas Susang,	1	5	0
Lauchlin Gillis,	2	0	0
Richard Coughlan,	1	10	0
Widow Simon Burke,	1	5	0
Widow John Burke,	1	5	0
Helen Susang,	1	0	0
Widow Polycarp Susang,	1	0	0

17*l* 18*s* 8*d* to  
*Michael Cam-  
pion*, for relief  
of several poor  
persons.

And a sum of seventeen pounds eight shillings and eight pence to be placed at the disposal of *Michael Champion*, Esquire, for the relief of the following persons, viz:

Daniel Connors,	£4	10	0
Thomas Devereaux,	1	10	0
Mary Morrison,	1	7	0
Widow Ford,	3	0	0
Widow Conway,	1	0	0
Widow M'Donald,	2	10	0
Widow M'Aulay,	1	10	0
Widow Morrison,	1	6	8
Christy M'Isaac, Lot 46,	0	15	0

And a sum of nineteen pounds thirteen shillings and four-pence to be placed at the disposal of *William Underhay*, Esquire, for the relief of the following persons, viz:

Mrs. Brown,	£2	10	0
Mrs. Henderson,	3	0	0
Mrs. Mathewson,	3	0	0
John DeCost,	1	10	0
Malcolm M'Donald, <i>De Gros</i>			
<i>Marsh</i> ,	2	0	0
Christy Brown,	1	0	0
William Walsh's crippled son,	1	0	0
Sarah M'Donald, <i>Lot 56</i> , North			
of <i>Grand River</i> ,	1	13	4
Zebdiel Coffin, <i>Boughton Island</i> ,	2	0	0
George Blackett, an insane per-			
son,	2	0	0

19<sup>l</sup> 13<sup>s</sup> 4<sup>d</sup> to  
*William Under-*  
*hay*, Esquire,  
for relief of  
several poor  
persons.

And a sum of twenty-two pounds to be placed at the disposal of the Honourable *John Jardine*, for the relief of the following persons, viz:

Pierce Walsh,	£3	0	0
Christy M'Eachren,	3	0	0
Widow Partridge,	3	0	0
Richard Whelan,	3	0	0
Donald M'Donald, a blind per-			
son,	3	0	0
Angus Wilson's blind son,	1	0	0
Harriet Nicholas,	0	10	0
Nancy M'Adam,	1	0	0
James Dooling,	2	0	0
Mary Morrison,	1	10	0
Widow Susan Kelly,	2	10	0
Margaret Farrel,	1	10	0

22<sup>l</sup> to Honour-  
able *John Jar-*  
*dine*, for relief  
of several poor  
persons.

And a sum of fourteen pounds eighteen shillings and four-pence to be placed at the disposal of *Hugh Macdonald*, Esquire, for the relief of the following persons, viz:

Thomas Sloane,	£1	0	0
Richard Cochran,	2	10	0
Catherine Johnstone,	1	10	0

14<sup>l</sup> 18<sup>s</sup> 4<sup>d</sup> to  
*Hugh M'Don-*  
*ald*, Esquire, for  
relief of several  
poor persons.

Archibald M'Millan, <i>Lot 53</i> ,	£1	0	0
Donald M'Leod, <i>Pisquid River</i> ,	1	10	0
Catherine M'Phee, <i>Gros Marsh</i> ,	1	0	0
Widow Rowan,	1	0	0
Martin M'Innis's idiot child,	1	10	0
Christy M'Kellogg, <i>Cardigan</i> ,	1	0	0
Michael Brown, <i>Lot 61</i> ,	1	13	4
Peter M'Lean, for his idiot wife,	1	5	0

10*l* 10*s* to *Johnson Aitken*, for relief of several poor persons.

And a sum of ten pounds ten shillings to be placed at the disposal of *Johnson Aitken*, for the relief of the following persons, viz:

Mrs. Gardiner,	£2	0	0
Duncan Cameron and wife, 15 <i>s</i> . each,	1	10	0
Alice M'Quade, <i>St. Mary's Road</i> ,	1	15	0
Rachel Bruce, <i>Whim Road</i> ,	1	0	0
Mrs. Jamieson, senior,	1	10	0
Widow Cooper Steel,	1	10	0
Catherine Lamont, <i>Whim Road</i> ,	1	15	0

5*l* 10*s* to *Wm. Moors*, for relief of the Griffin family.

And a sum of five pounds ten shillings to be placed at the disposal of *William Moors*, for the relief of the Griffin family.

10*l* to *John Nicolle*, for relief of poor persons.

And a sum of ten pounds to be placed at the disposal of *John Nicolle*, for the relief of the following persons, viz:

Richard Frieze, to enable him to be placed in the Lunatic Asylum,	£8	0	0
Richard Butler,	2	0	0

1*l* 5*s* to *Andrew A. M'Donald*, to defray funeral expenses of *James Johnston*.

And a sum of one pound five shillings to be placed at the disposal of *Andrew A. M'Donald*, for the funeral expenses of *James Johnston*.

33*l* 10*s* to Hon. *James Warburton*, for relief of several poor persons.

And a sum of thirty-three pounds ten shillings to be placed at the disposal of the Honourable *James Warburton*, for the relief of the following persons, viz:

Alexander Bell, <i>Cascumpec</i> ,	£2	0	0
Julien De Roche, <i>Tignish</i> ,	2	0	0
Elizabeth Collins, <i>Lot 11</i> ,	4	0	0
George Murray, <i>Lot 11</i> ,	3	10	0

Widow Adams,	£2	0	0
Widow Gallant,	2	10	0
Samuel Gallant, and wife,	2	10	0
Mary Cahill, <i>Kildare</i> ,	4	0	0
Julien Perry, and wife,	2	0	0
Widow Kinch, <i>Lot 5</i> ,	1	0	0
John Perry,	2	0	0
Julien Doucette,	2	0	0
Barbara Gallant, and daughter,	2	0	0
Colin Arseneaux,	2	0	0

And a sum of twelve pounds ten shillings to be placed at the disposal of *James Yeo*, Esquire, for the relief of the following persons, viz:

12l 10s to *James Yeo*, Esq., for relief of several poor persons.

William M'Neill, a blind person,	£3	0	0
Hugh M'Donald, <i>Lot 9</i> ,	2	0	0
Donald M'Pherson, and wife,	2	0	0
Sally Francis,	1	0	0
Widow D. Ramsay, <i>Lot 13</i> ,	2	0	0
Widow Prosper Perry,	2	10	0

And a sum of twenty-six pounds ten shillings to be placed at the disposal of *Allan Fraser*, Esquire, for the relief of the following persons, viz:

26l 10s to *Allan Fraser*, Esq., for relief of several poor persons.

Judith Durass,	£2	10	0
Widow Antoine Perry,	2	5	0
Samuel Cameron,	2	5	0
Mrs. M'Grath,	2	0	0
Clement Perry,	2	0	0
Widow Andrew Gallant, <i>Egmont Bay</i> ,	2	0	0
Celeste Chassey, <i>Egmont Bay</i> ,	2	0	0
Placide Arseneaux, for son, do.,	2	0	0
Michael Long,	2	0	0
John Gallant,	1	10	0
F. Silvester's sister,	1	10	0
Peter Richaur,	1	10	0
Old Malone, and wife,	1	10	0
John Morrison, for son,	1	10	0

10*l* to James  
Beairsto, Esq.,  
for relief of sev-  
eral poor per-  
sons.

And a sum of ten pounds to be placed at the disposal of *James Beairsto*, Esquire, for the relief of the following persons, viz:

George Howell,	£2	0	0
Sarah M'Donald,	2	0	0
Thomas Larkin,	2	0	0
Benjamin Warren,	2	0	0
Patrick Brennan,	2	0	0

42*l* 10*s* to Hon.  
W. Lord, for  
relief of several  
poor persons.

And a sum of forty-two pounds ten shillings to be placed at the disposal of the Honourable *William Lord*, for the relief of the following persons, viz:

Nancy Murphy,	£2	0	0
Anne Maria Baker,	2	10	0
Mary Haney,	1	10	0
Catherine Murphy,	1	10	0
Mary Connelly,	1	10	0
Widow M'Carvil,	2	0	0
James Murphy,	3	0	0
John Rice,	2	0	0
Thomas M'Bea,	2	0	0
Elizabeth Snow,	3	10	0
John Doherty,	2	0	0
M'Mullin, <i>Barbara Weit</i> ,	2	10	0
Thomas Condon,	2	10	0
Bridget Graham,	2	10	0
Philip Beagan,	2	10	0
Thomas Clear,	1	10	0
John Crohan,	1	10	0
Mrs. Andrew Morrison,	1	10	0
Mrs. Treeman,	2	0	0
Martha Greenahan,	2	10	0

28*l* to Neil  
M'Neill, Esq.,  
for relief of  
several poor  
persons.

And a sum of twenty-six pounds to be placed at the disposal of *Neil Macneill*, Esquire, for the relief of the following persons, viz:

Duncan Shaw,	£3	0	0
Widow Morrison, <i>Lot 30</i> ,	2	10	0
Patrick M'Carron, <i>Lot 30</i> , (blind),	2	10	0
James Conway, (blind),	2	0	0
Widow Hughes, <i>Lot 30</i> ,	1	0	0

Thomas Best, <i>Lot 29,</i>	£3	0	0
Helen M <sup>c</sup> Carron, <i>Lot 30,</i>	1	10	0
Mrs. Fall, <i>Crapaud,</i>	3	0	0
Mrs. M <sup>c</sup> Rae, <i>Lot 30,</i>	1	10	0
Richard Knight,	1	10	0
John Rice, <i>Lot 29,</i>	4	10	0

And a sum of thirty-five pounds ten shillings to be placed at the disposal of *Robert Mooney*, Esquire, for the relief of the following persons, viz:

35l 10s to *Robert Mooney*, Esq., for relief of several poor persons.

Patrick M <sup>c</sup> Donald,	£2	10	0
Patrick O'Shea,	2	0	0
John Austin,	1	10	0
Widow M <sup>c</sup> Innis, <i>Savage Harbor,</i>	1	10	0
John Ready,	1	10	0
Angus M <sup>c</sup> Ewen,	2	10	0
Elizabeth Fitzsimon,	1	10	0
Patrick M <sup>c</sup> Leer,	1	10	0
Maria Carrol,	1	10	0
Angus Gillis,	1	0	0
Widow Hand,	2	10	0
Widow Steel,	1	10	0
Widow Bickerstaff,	1	10	0
Angus M <sup>c</sup> Eachren,	2	10	0
Widow Quinn,	1	0	0
Peter Byron,	3	0	0
Widow M <sup>c</sup> Kinnon,	1	10	0
Patrick M <sup>c</sup> Cardle,	5	0	0

And a sum of three pounds to be placed at the disposal of *Jeremiah Simpson*, Esquire, for the relief of a family named *M<sup>c</sup>Kay*, *Mill River*.

3l to *Jeremiah Simpson*, Esq., for relief of the *M<sup>c</sup>Kay* family.

And a sum of seventeen shillings and two-pence half-penny, to *George M<sup>c</sup>Kay*, Esquire, to defray the funeral expenses of a person named *M<sup>c</sup>Kay*.

17s 2½d to *George M<sup>c</sup>Kay*, Esq., to defray the funeral expenses of a poor person.

And a sum of fifty-five pounds twelve shillings to be placed at the disposal of the Honorable *George Coles*, for the relief of the following persons, viz:

55l 12s to Hon. *George Coles* for relief of several poor persons.

Mary Campbell, <i>New London</i> ,	£1	10	0
Mrs. Brown, <i>Lot 67</i> ,	1	10	0
Mary M'Kinnon, <i>Lot 67</i> ,	1	10	0
Sarah Smith, <i>Lot 34</i> ,	1	0	0
Isabella M'Dougald, <i>Lot 33</i> ,	1	10	0
John Brent, <i>Lot 34</i> ,	2	0	0
Widow Gallant, <i>Rustico</i> ,	2	10	0
Archibald M'Kenzie, <i>Lot 67</i> ,	4	0	0
Archibald M'Lennan, <i>Lot 67</i> ,	1	10	0
Flora Nicholson,	1	10	0
Widow Leitch,	1	2	0
Mary M'Leod,	1	10	0
Neil M'Sweeney,	1	10	0
Alexander M'Leod,	1	10	0
Widow M'Sween,	1	10	0
Thomas Alleyne,	2	10	0
Malcolm M'Kinnon,	3	0	0
James M'Leod, <i>Johnston's Road</i> ,	1	10	0
Margaret M'Leod, <i>Lot 22</i> ,	1	10	0
Ann and Flora Sutherland, <i>New London</i> ,	2	10	0
Mary Ann Power, <i>Lot 22</i> ,	1	0	0
David Power, <i>Lot 20</i> ,	1	0	0
Ann M'Kay, <i>Graham's Road</i> ,	1	0	0
<i>New London</i> ,	1	0	0
Janet M'Donald's son, <i>Lot 22</i> ,	1	10	0
Widow Gallant, <i>Rustico</i> ,	1	0	0
Mary M'Swain, <i>Lot 23</i> ,	2	0	0
Margaret M'Leod, <i>Lot 67</i> ,	1	0	0
Widow Gass, <i>Princetown Road</i> ,	3	0	0
Widow Blackard,	1	10	0
Pierre Doucette,	1	10	0
Jude Doucette,	1	10	0
Victoria Peters,	1	0	0
Jane and Maria Lamont,	2	0	0

And a sum of thirty-seven pounds to be placed at the disposal of the Ladies' Dorcas Society, for the relief of the following persons, viz:

Clothing for William Purcell,	£2	0	0
Mrs. Orchard, for a deserted child,	2	0	0

37l to the Ladies' Dorcas Society, for relief of several poor persons.

And the remainder to

Catherine O'Neal,	Joanna Allan,
Margaret Knowlan,	Widow Lewis,
Joanna Wall,	Sarah Moore,
Mary Brinican,	Mary Kelly.

And a sum of fifty-two pounds to be placed at the disposal of the Benevolent Irish Society, for the relief of the following persons, viz:

52l to the Benevolent Irish Society, for relief of several poor persons.

Moses Coveney,	£2	0	0
Widow Minchin,	2	0	0
Widow Kelly,	4	0	0
Caleb Sentner,	3	10	0
Samuel Martin,	3	0	0
John Carpenter,	2	0	0
Anastatia Corrigan,	2	0	0
Philip Cody,	4	0	0
Margaret M <sup>c</sup> Carthy,	8	0	0
William Purcell,	10	0	0
Mary Murphy,	3	0	0
Thomas Murphy,	1	10	0
Elizabeth Carson, towards the support of James Webber,	2	10	0
Patrick Shea,	1	10	0
Peter Potter,	1	0	0
James Burns, Lot 49,	2	9	0

And a sum of nine pounds ten shillings to be placed at the disposal of the Reverend *Samuel Macleod, Uigh*, for the relief of the following persons, viz:

9l 10s to Rev. Samuel M<sup>c</sup>Leod, for relief of several poor persons.

Catherine Curry, Lot 50,	£1	10	0
Marcella Kelly,	1	10	0
Lauchlan M <sup>c</sup> Donald,	1	0	0
Dugald Macpherson, Douse's Road,	1	10	0
Widow Spencer, (formerly Gordon,)	1	10	0
Margaret Horne, Gallow's Point,	1	0	0
Widow Willock,	1	10	0

And a sum of eleven pounds ten shillings to be placed at the disposal of *Simon M<sup>c</sup>Kinnon*,

11l 10s to Simon M<sup>c</sup>Kinnon, for



relief of several  
poor persons.

*Newtown*, for the relief of the following persons,  
viz :

James Campbell, *Portage, Bel-*

*fast*, £1 10 0

Widow M'Aulay, 1 0 0

Malcolm M'Aulay, (insane), 1 0 0

Patrick Coily, (blind), 2 0 0

Flora Macleod, 1 0 0

John Macleod, *Green Marsh*, 2 0 0

John Campbell, 1 0 0

John Kelly's insane son, *Newtown*, 2 0 0

And a sum of nine pounds to be placed at the  
disposal of James Munn, for the relief of the  
following persons, viz :

St to James  
Munn, for relief  
of several poor  
persons.

Widow M'Rae, *Lot 60*, £3 0 0

Effy Matthewson, 1 10 0

Margaret Finlayson, *Belle Creek*, 1 10 0

Malcolm Nicholson, *do*, 1 10 0

Widow John Munn, 1 10 0

And a sum of ten pounds to be placed at the  
disposal of the Reverend Alexander Munro,  
*Brown's Creek*, for the relief of the following  
persons, viz :

10l to Rev.  
Alex. Munro,  
for relief of  
several poor  
persons.

Malcolm Nicholson's insane

daughter Margaret, £1 10 0

Margaret M'Leod, *Lot 57*, 1 10 0

Widow Margaret Nicholson, 1 10 0

Margaret M'Donald, *Brown's  
Creek*, 1 0 0

Hannah Macpherson, 1 0 0

Flora M'Leod, 1 0 0

C. M'Pherson, or Widow M'Lean, 1 0 0

John Nicholson, *Douse's Road*, 1 10 0

And a sum of fifty-five pounds seventeen  
shillings and four-pence to John M'Intosh, and  
the sum of fifty-five pounds twelve shillings to  
John Windsor Le Lacheur, to indemnify them  
for their disbursements in attending the House  
of Assembly during the Sessions in the years  
one thousand eight hundred and thirty-seven  
and one thousand eight hundred and thirty-eight.

55l 17s 4d to  
John M'Intosh,  
and

55l 12s to J. W.  
Le Lacheur, for  
their disburse-  
ments in at-  
tending House  
of Assembly  
during Sessions  
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Exp. E. H. R.  
3/1/07





















